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Documents and Extracts

Illustrative of the British Period

OF

INDIAN HISTORY.

31138

Part I.

MAINLY CONSTITUTIONAL.

"The roots of the present lie deep in the past, and nothing in the past is dead to the man who would learn how the present comes to be what it is. It is true, constitutional history has a point of view, an insight, and a language of its own; it reads the exploits and characters of men by a different light from that shed by the false glare of arms, and interprets positions and facts in words that are voiceless to those who have only listened to the trumpet of fame."

Stubbs.

For the sober student, history is no mere record of chance happenings. Events are only the exemplification of the working of immutable laws.

The analysis and criticism of partisan records supply abundant scope for the most severely scientific methods.

Adams's *Evolution of Educational Theory.*

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NATIONAL ARCHIVES OF INDIA

TO

THE HON'BLE JUSTICE

SIR ASUTOSH MOOKERJEE, KT.,

C.S.I., M.A., D.L., D. SC., F.R.A.S., F.R.S.E.,

Saraswati, Sastra-Vachaspati,

Vice-Chancellor of the University of Calcutta

whose sympathy has been an unfailing source of inspiration to me in my historical and literary studies, and who has done so much for the promotion of true education among his countrymen, this unpretentious collection is, by permission, humbly dedicated.

Calcutta, 1912. *Compiler.*

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PREFACE.

THE object of the present compilation is to put together in a compendious form a few of the more important documents which tend to throw light on the British period of Indian History with special reference to the times of Warren Hastings, Cornwallis and Wellesley—the three Governors General with whose names the rise and progress of British power in the East is most intimately associated. At the same time an attempt has been made to trace chronologically through these documents the successive stages in the constitutional development of British authority in India. It may thus be hoped that these papers will, to some extent, serve the purpose of a constitutional History of British India. A good deal may, no doubt, be urged in favour of the view that despatches and minutes and such like contemporary records are but the dry bones of history into which life has to be breathed through the constructive imagination or the systematising genius of some master-mind. But the educative value of the examination of old records will hardly be disputed in these days. If history is to serve as a preparation for citizenship in Modern India, no more fruitful method of study may be indicated to our younger generation than the investigation of original sources of information, involving, as it does, a careful sifting of evidence and a careful weighing of conflicting arguments and frequent appeals to our powers of judgment and to our moral perceptions.

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The ideas with which modern sociological writers have made us familiar are those of evolution and gradual development, and adaptation to circumstances in the social and political organism, discernible in all communities. The student of history would fain believe that in India, as everywhere else, the present has grown historically out of the past and that the course of Indian History also is marked by the working out of certain definite principles and the operation of certain general causes. We would fain believe that out of the union of the East and the West brought about by the genius and energy of Clive and Hastings, certain definite ideal as regards the government of dependencies and certain definite conceptions regarding the nature and responsibilities of Empire are being evolved in the English political world in accordance with the march of events in English History since the days of Lord North's Regulating Act of 1773.

The present compilation is an attempt to help to promote the study of Indian History from these standpoints.

That the present Government of India with its complicated administrative machinery should have grown out of a trading corporation not composed of the best which England had to give to the cause of maritime adventure and colonial expansion, offers a historical problem of the highest interest. Its study cannot but be full of instruction and practical suggestions for us all.

Calcutta, 1912.

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INTRODUCTORY.

Sir Courtenay Ilbert in his authoritative work on the Government of India explains how "British authority in India may be traced, historically, to a twofold source," it being "derived partly from the British Crown and Parliament, partly from the Great Mogul and other native rulers of India."

The history of the development of this power in England may be roughly divided into three periods.

The first, the trading period, is the period of Charters, and begins with the Charter of Elizabeth in 1600, and ends with the grant of the Dewany in 1765.

The second period from 1765 to 1858, has been characterised as the period of double government when "the Company are territorial Sovereigns, sharing their Sovereignty in diminishing proportions with the Crown, and gradually losing their mercantile privileges and functions"—the first direct interference of Parliament with the government of India being in 1773.

The third period is the period of government by the Crown, and begins with the Mutiny Proclamation of 1858, when the remaining powers of the Company are transferred to the Crown.

I.—THE FOUNDING OF THE EAST INDIA COMPANY.

Though the merchants of Great Britain, after the discovery of the passage to India by the Cape of Good Hope (A.D.1497), made early efforts to share with the Portuguese in the rich trade which was carried on by the newly discovered channel between Europe and that quarter of the globe, more than a century elapsed before they were in any degree successful. Individual capital, after several attempts, was found too limited for a trade which, however lucrative, was attended with great risk, and required force to protect it.

It is to these causes that we must trace the original association of that body of wealthy merchants who petitioned Queen Elizabeth to grant them encouragement, and exclusive privi-

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leges, for the purpose of carrying on the trade with India. That princess alive to every project which promised to increase the wealth and greatness of her country, sent an embassy to the Emperor of Delhi (Akbar), to solicit him to extend his favour and protection to her subjects trading with his dominions. Elizabeth, however, when she adopted this measure, did not wait for its result which was not very successful, but granted a charter on the 31st of December, 1600, which erected the merchants * who had petitioned her into a body or corporation, under the title of "Governors and Company of Merchants of London trading to the East Indies." By this charter they were vested with the power of purchasing lands without any limitation; and their commerce was to be directed by a governor and twenty-four persons in committees. Their first governor, was named in the act. The Company, their sons when of age, their apprentices, servants and factors in India, were vested, for a period of fifteen years, with the privilege, to use the words of the charter, of an exclusive trade "into the countries and parts of Asia and Africa, and into and from all the islands, ports, towns, and places of Asia, Africa, and America, or any of them, beyond the Cape of Bona Esperanza, or the Straits of Magellan, where any traffic may be used, and to and from each of them."

The general assemblies of the Company were vested with the power of making any laws and regulations for the conduct of their concerns which should not be at variance with the laws of the realm; and their exports were made free of custom for a term of four years. They were empowered to fit out and send six good ships and six pinnaces annually to India; and to export, under some restrictions, thirty thousand pounds in foreign coin or bullion. This charter concludes with a proviso by which, in the event of its operation not being profitable to the State, the Crown had the right, upon giving two years' warning, to resume the grant, which

* The petition was signed by the Earl of Cumberland, and two hundred and fifteen persons. The Earl's name is specified in the grant.

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in the same clause it pledged itself to prolong for fifteen years beyond the first period, in the event of its proving advantageous to the country.

Such was the first charter under which the merchants of England commenced their commerce with India. Their original capital was seventy-two thousand pounds, divided into shares, each of which was fifty pounds. *Malcolm.*

II.—CHARTER OF QUEEN ELIZABETH.

The points of constitutional interest in the charter of Elizabath are the constitution of the Company, its privileges and its legislative powers.

Ilbert.

Collisions, whether civil or criminal, with the natives of the country, subjected our people to the decisions of the native tribunals; and when we fell out among ourselves, in matters affecting property or person, our disputes, if of the former character, were settled by the President, or if of the latter a Court was held, under the King's Commission, probably on board one of the vessels in the roads, and the offender was dealt with, as its members, consisting of the chief naval and mercantile functionaries, might determine and decree.

As time advanced and the number of British subjects on the eastern shores steadily increased and with the increase necessarily arose more complicated relations both with the natives of the country and among ourselves, it became necessary to establish in our settlements judicial tribunals with more defined powers. The Charter of 1661 empowered the Company to appoint Governors and officers in their several factories, and decreed that such Governor and his Council may exercise civil and criminal jurisdiction in the said factories, &c. according to the laws of England;" "and if the offence," continued the Letters Patent, "shall be committed in a place where it cannot be tried, the offender may be sent to such other plantation or fort, where there is a Governor and Council to try him, that justice may be done." A further clause set forth, that

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"the King's subjects, employed by the Company in the limits aforesaid, shall suffer such punishment for offences there committed as the Company's President and Council shall think fit and the quality of the offences require, and in case of appeal the offender shall be sent home for punishment. And for the better discovery of offenders, all persons may be examined on oath before the Company's President and Council, touching the same."

Kaye's Administration of the East India Company.

Charter granted by Queen Elizabeth to the East India Company.

(*Dated the 31st December, in the 43rd year of Her Reign.*)

ANNO DOMINI, 1600.

ELIZABETH, by the Grace of God, Queen of England, France, and Ireland, Defender of the Faith, &c. To all our Officers, Ministers, and Subjects, and to all other People, as well within this our Realm of England as elsewhere, under our Obedience and Jurisdiction, or otherwise, unto whom these our Letters Patents shall be seen, showed, or read, greeting. Whereas our most dear and loving Cousin, George, Earl of Cumberland, and our well-beloved Subjects, Sir John Hart, of London, Knight, Sir John Spencer, of London, Knight, Sir Edward Michelborne, Knight, William Cavendish, Esq.: Paul Banning, Robert Lee, Leonard Hollyday, John Watts, John Moore, Edward Holmeden, Robert Hampson, Thomas Smith, and Thomas Campbell, Citizens and Aldermen of London; Edward Barker, Esq.; Thomas Marsh, Esq.; Samuel Backhouse, Esq.; James Lancaster, Richard Staper, Thomas Cordell, William Garway, Oliver Stile, William Quarts, Bartholomew Barnes, William Offely, Robert Chamberlain, John Harvey, Richard Wiseman, William Stone, Francis

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Cherry, Thomas Allabaster, Richard Barrett, John Swinnarton the Younger, Thomas Garway, William Romney, James Bean, John Eldred, Andrew Banning, Edward Leaving, Thomas Juxon, Nicholas Leat, John Woollestenholm, Nicholas Pierd, William Chamber, Rowland Blackhouse, Humphrey Smith, Robert Sandye, Henry Robinson, Richard Pointell, John Heylord, William Harrison, Humphrey Stile, Humphrey Robinson, Nicholas Ferror, Thomas Farrington, John Comb, Robert Offely, Roger How, John Hewitt, James Turner, Morrice Abbott, Robert Carrell, Robert Brooke, Richard Chamberlaine, George Chamberlaine, Leonard White, John Cornelius, Ralph Busby, William Jenning, Giles Parslow, Robert Bell, Thomas White Nicholas Ling William Palmer, Ellis, Cripps, George Bowles, Nicholas Cripps, John Merrick, Humphrey Handford, Thomas Simmons, Robert Cocks, William Walstall, John Humphrey, Thomas Bostock, Bartholomew Holland, Richard Cock, William Walton, William Freeman, Thomas Southake, John Frier, Francis Dent, Richard Ball, Richard Pears, Roger Henning, Robert Cobe, Robert Robinson, Francis Evington, Francis Taylor, Thomas Westrowe, John Middleton, Robert Gore, Ralph Gore, William Cater, George Cater, John Busbridge, Thomas Hauton, William Bond, Merchant Taylor of London, William Cotton, John Stockley, Roger Arfield, Ausgustine Skinner, Richard Wiche, Robert Towertson, Richard Tailby, Robert Middleton; Robert Bateman, Richard Costam, Robert Walldoe, Richard Wragge, John Wragge, William Dale, Lawrence Walldoe Henry Bridgman, Samuel Armitage, Edward Harrison, Edmund Nicholson, Clement Moseley, John Newman, Humphrey Wallcot, Thomas Richardson, Thomas Bothby, John Cowchman, Reginald Green, Richard Burrell, Robert Mildmay, William Hind, George Chandler, Edward Lutterford, William Burrell, Stephen Harvey, Thomas Henshaw, William Ferris, William Addarlyc, William Hewit, William Fisher, Joseph Talbanck, Nicholas Manley, Nichloas Salter, William Willaston, William Angell, Nicholas Barnsley, John Hawkins, Roger Dye, Richard

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Clarke, Thomas Hewit, George Whitemore, Henry Polstead, William Grenwell, Robert Johnson, Bartholomew Haggett, Humphrey Bass, Robert Buck, Ambrose Wheeler, William Hale, Richard Hall, jun., John Hodgson, Alphonsus Fowl, Edmud Spencer, Robert Dewsey, Riceard Piott, William Bonham, Edward Barkham, George Coles, Ralph Haymor, James Cullymer, Samuel Hare, George Utley, Gregory Allen, Henry Archer, Jeffery Kubye, John Cason, Richard Beale, Thomas Shipton, John Fletcher, Thomas Talbot, Robert Pennington, Humphrey Milward, Richard Hearne, Ralph Allyn, John Brooke, Anthony Gibson, Robert Kayes, Hugh Crompton, Richard Washer, George Holman, Morrice, Luelling, Richard Parsons, Francis Barker, William Turner, John Greenwood, Richard Dean, Richard Ironside, George Smythe, James Dunkin, Edward Walter, Andrew Chamberlain, Robert Stratford, Anthony Startford, William Millett, Simon Laurence, Thomas Liddall, Stephen Hodson, Richard Wright, William Starkey, William Smith, John Ellecot, Robert Bailey, and Roger, Cotton, have of our certain knowledge been Petitioners unto us, for our Royal Assent and Licence to be granted unto them, that they, at their own Adventures, Costs, and Charges, as well for the Honour of this our Realm of England, as for the Increase of our Navigation, and Advancement of Trade of Merchandize, within our said Realms and the Dominions of the same, might adventure and set forth one or more Voyages, with convenient Number of Ships and Pinnaces, by way of Traffic and Merchandize to the East-Indies, in the Countries and Parts of Asia and Africa, and to as many of the Islands, Ports and Cities, Towns and Places, thereabouts, as where Trade and Traffic may by all likelihood be discovered, established or had; divers of which Countries, and many of the Islands, Cities and Ports thereof, have long since been discovered by others of our Subjects, albeit not frequented in Trade of Merchandize. Know ye, therefore, that we, greatly tendering the Honour of our Nation, the Wealth of our People,

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and the Encouragement of them, and others of our loving Subjects in their good Enterprizes, for the Increase of our Navigation, and the Advancement of lawful Traffick to the Benefit of our Common Wealth, have of our special Grace, certain Knowledge, and mere Motion, given and granted and by these Presents, for us, our Heirs and Successors, do give and grant unto our said loving Subjects, before in these Presents expressly named, that they and every of them from henceforth be, and shall be one Body Corporate and Politick, in Deed and in Name, by the Name of The Governor and Company of Merchants of London, Trading into the East-Indies, and them by the Name of The Governor and Company of Merchants of London, Trading into the East-Indies, one Body Corporate and Politick, in Deed and in Name, really and fully for us our Heirs and Successors, we do order, make, ordain, constitute, establish and declare, by these Presents, and that by the same Name of Governor and Company of Merchants of London, Trading into the East-Indies, they shall have Succession, and that they and their Successors, by the Name of The Governor and Company of Merchants of London, Trading into the East-Indies, be and shall be, at all Times hereafter, Persons able and capable in Law, and a Body Corporate and Politick, and capable in Law to have, purchase, receive, possess, enjoy and retain lands, Rents, Privileges, Liberties, Jurisdictions, Franchises and Hereditaments of whatsoever Kind, Nature, and Quality so ever they be, to them and their Successors. And also to give, grant, demise, alien, assign and dispose Lands, Tenements and Hereditaments, and to do and execute all and singular other Things, by the same Name that to them shall or may appertain to do. And that they and their Successors, by the Name of The Governor and Company of Merchants of London, Trading into the East-Indies, may plead and be impleaded, answer and be answered, defend and be defended, in what soever Courts and Places, and before whatsoever Judges and Justices, and other Persons and Officers, in all and singular Actions, Pleas, Suits,

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Quarrels, Causes and Demands whatsoever, of whatsoever Kind, Nature or Sort, in such Manner and Form, as any other, our liege People of this our Realm of England, being Persons able and capable in Law, may or can have, purchase, receive, possess, enjoy, retain, give, grant, demise, alien, assign, dispose, plead and be impleaded, answer and be answered, defend and be defended, release and be released, do permit and execute. And that the said Governor and Company of Merchants of London, Trading into the East-Indies, and their Successors, may have a common Seal, to serve for all the Causes and Business of them and their Successors. And that it shall and may be lawful to The Said Governor and Company, and their Successors, the same Seal, from Time to Time, at their Will and Pleasure, to break, change, and to make new or alter, as to them shall seem expedient. And further, we will, and by these presents, for us, our Heirs and Successors, we do ordain, that there shall be from henceforth one of the same Company to be elected and appointed, in such Form, as hereafter in these Presents is expressed, which shall be called The Governor of the said Company, and that there shall be from henceforth Twenty-Four of the said Company, to be elected and appointed in such Form, as hereafter in these presents is expressed, which shall be called The Committees of the said Company, who, together with the Governor of the said Company for the Time being, shall have the direction of the Voyages, of or for the said Company, and the Provision of the Shipping and Merchandizes thereto belonging, and also the sale of all Merchandizes returned in the Voyages, of or for the said Company, and the managing and handling of all other Things belonging to the said company and for the better Execution of this our Will and Grant in this Behalf We have assigned, nominated, constituted and made, and by these Presents, for us, our Heirs and Successors, we do assign, nominate, constitute and make, the said Thomas Smith, Alderman of London, to be the First and present Governor of the said Company, to continue in the said Office, from the Date of these presents, until another of the said Company shall in due Manner be chosen

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and sworn unto the said Office, according to the Ordinances and Provisions hereafter in these Presents expressed and declared, if the said Thomas Smith shall so long live; and also we have assigned, nominated and appointed, and by these Presents, for us, our Heirs and Successors, we do assign, nominate, constitute and make, the said Paul Banning, Leonard Hollyday, John Moore, Edward Holmeden, Richard Staper, Thomas Cordell, William Garway, Oliver Style, James Lancaster, Richard Wiseman, Francis Cherry, Thomas Allabaster, William Romney, Roger How, William Chambers, Robert Sandye, John Eldred, Richard Wiche, John Hylord, John Middleton, John Comb, William Harrison, Nicholas Ling and Robert Bell, to be the Twenty-Four First and Present Committees of the said Company, to continue in the said office of Committees of the said company from the Date of these Presents, for One whole year next following. And further we will and grant, by these Presents, for us, our Heirs and Successors, unto The said Governor and Company of Merchants of London, Trading into the East-Indies, and their Successors, that it shall and may be lawful to and for The said Governor and Company, for the Time being, or the more part of them, present at any publick Assembly, commonly called the Court, holden for the said Company, the Governor of the said Company being always one, from Time to Time, to elect, nominate and appoint one of the said Company, to be Deputy to the said Governor, which Deputy shall take a Corporal Oath, before the Governor and Five or more of the Committees of the said Company for the Time being, well, faithfully and truly to execute his said Office of Deputy to the Governor of the said Company, and after his oath, so taken, shall and may from Time to Time, in the Absence of the said Governor, exercise and execute the Office of Governor of the said company, in such Sort as the said Governor ought to do: And further we will and grant, by these Presents, for us, our Heirs and Successors, unto the said Governor and Company of Merchants of London, Trading into the East-Indies, and their Successors, that they or the greater Part of them, whereof the Governor for the Time

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being or his Deputy to be one, from Time to Time, and at all Times hereafter shall and may have Authority and Power, yearly and every year, on the First Day of July, or at any Time within Six Days after that Day, to assemble and meet together, in some convenient Place, to be appointed from Time to Time by the Governor, or in his Absence by the Deputy of the said Governor for the Time being, and that they being so assembled, it shall and may be lawful to and for the said Governor, or Deputy of the said Governor, and the said Company for the Time being or the greater Part of them, which then shall happen to be present, whereof the Governor of the said Company or his Deputy for the Time being, to be one, to elect and nominate one of the said Company, which shall be Governor of the said Company for one whole Year, from thence next following, which Person, being so elected and nominated to be Governor of the said Company, as is aforesaid before he be admitted to the Execution of the said Office, shall take a Corporal Oath before the last Governor, being his Predecessor or his Deputy, and any Six or more of the Committees of the said Company for the Time being, that he shall, from Time to Time, well and truly execute the Office of Governor of the said Company, in all things concerning the same; and that immediately after the said Oath so taken, he shall and may execute and use the said office of Governor of the said Company, for one whole Year, from thence next following: And in like Sort we will and grant, that as well every one above-named to be of the said Company fellowship as all others hereafter to be admitted, or free of the said Company, shall take a Corporal Oath before the Governor of the said Company, or his Deputy for the Time being, to such Effect, as by the said Governor and Company, or the more Part of them, in any publick Court to be held from the said Company, shall be in reasonable Manner set down and devised, before they shall be allowed, or admitted to trade or traffick, as a Freeman of the said Company. And further we will and grant, by these Presents, for us, our Heirs and successors, unto The said

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Governor and Company of Merchants of London, Trading into the East-Indies, and their Successors, that the said Governor, or the Deputy of the said Governor, and the Company and their Successors, for the Time being, or the greater Part of them, whereof the Governor, or the Deputy of the Governor, from Time to Time, to be one, shall and may, from Time to Time, and at all Times hereafter, have Authority and Power, yearly and every Year, on the first Day of July, or at any time within Six Days after that Day, to assemble and meet together, in some convenient place, to be from Time to Time appointed, by the said Governor of the said Company, or in his Absence, by his Deputy: And that they being so assembled, it shall and may be lawful, to and for the said Governor or his Deputy, and the Company for the Time being, or the greater Part of them, which then shall happen to be present, whereof the Governor of the said Company, or his Deputy for the Time being, to be one, to elect and nominate Twenty-four of the said Company, which shall be Committee of the said Company, for Ones whole Year, from thence next ensuing, which Person being so elected and nominated to be Committees of the said Company, as aforesaid, before they be admitted to the Execution of their said Offices, shall take a Corporal Oath, before the Governor or his Deputy, and any Six or more of the said Committees of the said Company, being their last Predecessors for the Time being, that they and every of them shall well and faithfully perform their said Office of Committees, in all things concerning the same, and that immediately after the said Oath so taken, they shall and may execute and use their said Offices of Committees of the said Company, for One whole Year, from thence next following; and more over our Will and Pleasure is, and by these Presents, for us our Heirs and Successors, we do grant unto The said Governor and Company of Merchants of London, Trading into the East-Indies, and to their Successors, that when and as often as shall happen, the Governor of the said Company for the Time being, at any Time within One Year, after that he shall

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be nominated, elected and sworn to the office of Governor of the said Company, as is aforesaid, to die or to be removed from the said Office, which Governor, not demeaning himself well in his said Office, we will to be removeable at the Pleasure of the said Company, or the greater Part of them, which shall be present, at any of their publick Assemblies, commonly called their General Court, holden for the said Company, that then and so often it shall and may be lawful, to and for the Residue of the said Company for the Time being, or the greater Part of them, within convenient Time after the Death or removing of any such Governor, to assemble themselves in such convenient Place as they shall think fit, for the Election of the Governor of the said Company: and that the said Company, or the greater Part of them, being then and there present, shall and may, then and there, before their Departure from the said Place, elect and nominate one other of the said Company, to be Governor of the same Company, in the Place or Stead of him that so died or was so removed, which Person, being so elected, and nominated to the Office of Governor of the said Company, shall have and exercise the said Office for and during the Residue of the said Year, taking first a Corporal Oath as is aforesaid, for the due Execution thereof; and this to be done from Time to Time, so often as the Case shall so require. And also our Will and Pleasure is, and by these Presents, for us, our Heirs and Successors, we do grant unto The said Governor and Merchants of London, Trading into the East-Indies, and to their Successors, that when and as often as it shall happen, any of the Committees of the said Company for the Time being, at any Time within One Year, next after that they or any of them shall be nominated, elected, and sworn to the Office of Committees of the said Company, as is aforesaid, to die or be removed from the said Office, which Committees, not demeaning themselves well in their said Office, we will to be removeable, at the Pleasure of The said Governor and Company or the greater Part of them, whereof the Governor of the said Company, for the Time being, or his Deputy for the Time being,

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to be one that then and so often, it shall and may be lawful, to and for The said Governor and Company for the Time being, or the geater Part of them, whereof the Governor for the Time reing or his Deputy, to be one, within convenient Time, after the Death or removing of any of the said Committees, to assemble themselves in such convenient Place, as is or shall be usual and accustomed, for the Election of The Governor of the said Company, or where else The Governor of the said Company for the Time being, or his Deputy, shall appoint; and The said Governor and Company, or the greater Part of them, whereof the Governor for the Time being, his Deputy, to be one, being then and there present, shall and may then and there, before their Departure from the said Place elect and nominate one or more of the said Company, to be Committees of the same Company, in the Places and Steads, Place or Stead, of him or them that so died, or were or was so removed, which Person or Persons, so elected and nominated to the Office or Offices of Committee, or Committees, of the said Company, shall have and exercise the said Office and Offices, during the Residue of the said Year, taking first a Corporal Oath as is aforesaid, for the due Execution thereof, and this to be done from Time to Time, so often as the Case shall require. And further we do, by these Presents, for us, our Heirs and Successors, will and grant unto The said Governor and Company of Merchants of London, Trading into the East-Indies, and their Successors, that they, and all that are or shall be of The said Company of Merchants of London, Trading into the East-Indies, and every of them, and all the Sons of them, at their several Ages of One and Twenty Years or upwards: And further, all such the Apprentices, Factors or Servants of them, and of every of them, which hereafter shall be employed by The said Governor and Company, in the said Trade of Merchandize, of or to the East-Indies, beyond the Seas, or any other the Places aforesaid, in any part of the said East-Indies, or other the Places

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aforesaid, shall and may, by the Space of Fifteen Years, from the Feast of the Birth of our Lord God last past, before the Date hereof, freely traffick and use the Trade of Merchandize, by Seas, in and by such Ways and Passages already found out and discovered, or which hereafter shall be found out and discovered, as they shall esteem and take to be fittest, into and from the said East-Indies, in the Countries and Parts of Asia and Africa, and into and from all the Islands, Ports, Havens; Cities, Creeks, Towns and Places of Asia and Africa, and America, or any of them, beyond the Cape of Bona Esperanza to the Straights of Magellan, where any Trade or Traffick of Merchandize may be used or had, and to and from every of them, in such Order, Manner, Form, Liberty and Condition, to all Intents and Purposes, as shall be, from Time to Time, at any publick Assembly or Court, held by or for The said Governor and Company, by or between them of the said Fellowship or Company of Merchants of London, Trading into the East-Indies, or the more Part of them, for the Time being, present at such Assembly or Court, the Governor, or his Deputy, being always present at such Court or Assembly, limited and agreed, and not otherwise, without any Molestation, Impeachment, or Disturbance, any Statute, Usage, Diversity of Religion or Faith or any other Cause or Matter whatsoever, to the contrary notwithstanding: So always the same Trade be not undertaken nor addressed to any Country, Island, Port, Haven, City, Creek, Town or Place, already in the lawful and actual Possession of any such Christian Prince or State, as at this present is, or at any Time hereafter shall be in League or Amity with us, our Heirs or Successors, and who doth not or will not accept of such Trade, but doth overtly declared and publish the same to be utterly against his or their Good Will and Liking. And further our Will and Pleasure is, and by these Presents, for us our Heirs and Successors, we do grant unto The said Governor and Company of Merchants of London, Trading into the East-Indies, and to their Successors, that it shall and may be lawful, to and for The

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said Governor and Company, and their Successors, from Time to Time to assemble themselves, for or about any the Matters, Causes, Affairs or Businesses of the said Trade, in any Place or Places, for the same convenient, during the said Term of Fifteen Years, within our Dominions or elsewhere, and there to hold Court for the said Company, and the Affairs thereof; and that also it shall and may be lawful, to and for them, or the more Part of them, being so assembled, and that shall then and there be present, in any such Place or Places, whereof the Governor or his Deputy for the Time being, to be one, to make, ordain, and constitute such, and so many reasonable Laws, Constitutions, Orders and Ordinances, as to them, or the greater Part of them, being then and there present, shall seem necessary and convenient, for the good Government of the same Company, and of all Factors, Masters, Mariners and other Officers, employed or to be employed in any of their Voyages, and for the better Advancement and Continuance of the said Trade and Traffick, and the same Laws, Constitutions, Orders and Ordinances, so made, to put in use and execute accordingly, and at their Pleasure to revoke or alter the same, or any of them as Octatian shall require; and that The said Governor and Company, so often as they shall make, ordain or establish any such Laws, Constitutions, Orders or Ordinances, in Form aforesaid, shall and may lawfully impose, ordain, limit and provide such Pains, Punishments and Penalties, by Imprisonment of Body, or by Fines and Amerciaments, or by all or any of them upon and against all Ofienders, contrary to such Laws, Constitutions, Orders and Ordinances, or any of them as to The said Governor and Company for the Time being, or the greater Part of them, then and there being present, the said Governor, or his Deputy, being always one, shall seem necessary, requisite and convenient, for the Observation of the same Laws, Constitutions, Orders and Ordinances; and the same Fine and Amerciaments shall and may levy, take and have, to the Use of The said Governor and Company, and their Successors, without the Impediment of us,

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our Heirs or Successors, or of any the Officers or Ministers of us, our Heirs or Successors, and without any Account thereof, to us, our Heirs or Successors, to be rendered or made; all and singular which Laws, Constitutions, Orders and Ordinances, so as aforesaid to be made, we will to be duly observed and kept, under the Pain and Penalties therein to be contained; so always as the said Laws, Orders, Constitutions, Ordinances, Imprisonments, Fines and Amerciaments be reasonable, and not contrary or repugnant to the Laws, Statutes, or Customs of this our Realm. And for as much as The said Governor and Company of Merchants of London, Trading into the East-Indies, have not yet experienced of the Kinds of Commodities and Merchandizes, which are or will be vendible, or to be uttered in the said Parts of the East-Indies, and therefore shall be driven to carry to those Parts, in their Voyages outward, divers and sundry Commodities, which are likely to be returned again to this our Realm: We therefore of our especial Grace, certain Knowledge and mere Motion, for the better encouraging of The said Governor and Company of Merchants of London, Trading into the said East"Indies, and for the Advancement of the said Trade, do grant unto The said Governor and Company, and to their Successors, that they and their Successors, during the Four First Voyages, which they shall make, or set forth, for or towards the said East-Indies, shall and may transport, and carry out of our Realm of England, and the Ports, Creeks and Havens thereof, all such and so much Goods and Merchandizes, being Goods and Merchandizes lawfully passable and transportable out of this Realm, and not prohibited to be transported by any Law or Statute of this Realm, as shall be by them, their Factors Assigns, shipped in any Ship or Ships, Vessel or Vessels, to be employed in any of the said Four First Voyages, free of Custom, Subsidy or Poundage, or any other Duties or Payments, to us or our Successors, due or belonging, for the shipping or transporting of the same, or any of them; and yet nevertheless our Will and Pleasure is and we do, by these

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Presents, straitly charge and command, that all and every such Goods and Merchandizes, so to be transported out of this realm, from Time to Time, during the said Four First Voyages, as is aforesaid, shall, from Time to Time, be duly entered by the Customer, Controller or other Officer of such Port, Creek or Place, where the same Goods and Merchandizes shall happen to be shipped and loaden, before such Time as the same shall be shipped, or loaden, to be transported as is aforesaid: And also of our further especial Grace, certain Knowledge and mere Motion, we do, for us, our Heirs and Successors, grant to and with the said Governor and Company of Merchants of London, Trading into the East Indies, and their successors, that when and as often, at any Time, during the said Time and space of Fifteen years, as any custom, Poundage, Subsidy, or other duties, shall be due and payable unto us, our Heirs, or Successors, for any goods, Wares, or Merchandizes whatsoever, to be returned out or from any the Islands, Ports, Havens, Cities, Towns or places aforesaid, unto our Port of London, or any of the Havens, Creeks, Members or Places to the same Port belonging, that the customers and all other Officers for the Time being, of us, our Heirs or Successors, for or concerning Receipts of Customs, Poundage, Subsidies or other Duties, unto whom it shall appertain, shall upon the Request of the Governor and Company of the said Merchants of London, Trading into the East Indies, or any their Agents, Factors or Assigns, give unto the said Governor and Company, their Agents, Factors or Assigns, Six Months' time, for payment of the one Half, and after those Six months ended, other Six Months' Time, for the payment of the other Half, of their said customs, Poundage, or other subsidy or duties, receiving good and sufficient bonds, with Surety, to the Use of us, our Heirs and Successors, for the true payment of the same accordingly; and upon receipt of the said Bonds, with surety, from Time to Time, to give unto The said Governor and company of Merchants of London, Trading into

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the East Indies, for the Time being their Agents, Factors or Assigns, their cocket or other warrant, to take out and receive on land the same Goods, Wares, or Merchandizes, by virtue thereof, without any Disturbance ; and that also as often as at any time, during the said time of years, any Goods, Wares or Merchandizes of the said Governor and company, for the Time being, laden from our Port of London, or any the Creeks, Members or places to the same Port belonging, to be transported to or towards any the islands Ports, Havens, Cities, Towns or places aforesaid, shall happen to miscarry or be lost, before their safe Arrival or Discharge in the Ports, for and to which the same shall be sent, that then and so often so much custom Poundage, Subsidies, or other Duties, as they answered to us, for the same, before their going forth of our said Ports, Havens or Creeks, shall, after due Proof made, before the Treasurer of England, for the Time being, of the said Loss, and the just Quantity thereof, be, by Virtue hereof, allowed to The said Governor and Company, their Agents or Factors, by Warrant of the said Treasurer, to the said Customers or Officers, in the next Goods, Wares or Merchandizes, that The said Governor and company, or their Successors, shall or may ship, for or towards those Parts, according to the true Rates of the customs, Poundage or Subsidies, before paid for the Goods, Wares or Merchandizes, so lost or miscarrying, or any Part thereof. And for that, The said Governor and company of Merchants of London, Trading into the East-Indies, are like to bring to this our Realm, a much greater Quantity of foreign commodities, from the Parts of the said East-Indies, than can be spent for the necessary Use of the same our Realm, which of Necessity must be transported into other countries, and there vended, we, for us, our Heirs and Successors, of our especial Grace, certain Knowledge and mere Motion, do grant to and with The said Governor and company of Merchants of London, Trading into the East-Indies, and their Successors, that at all Times, from Time to Time, during the Space of Thirteen Months, next after the Discharge of any the same foreign Commodities, so to be brought in, the Subsidies,

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Poundage, customs, and other Duties for the same, being first paid or compounded for as aforesaid, it shall be lawful for The said Governor and Company, and their Successors, or any other the natural Subjects of this our Realm, which may or shall buy the same of them, to transport the same in English Bottoms, freely out of this Realm as well ungarbled as garbled, without Payment of any further custom, Poundage, or any further Subsidy, to us, our Heirs or Successors for the same ; whereof the Subsidy, Poundage, customs or other Duties, shall be so formerly paid or compounded for as aforesaid, and so proved ; and the said customer or other Officer or Officers, to whom it shall in that Behalf appertain, for the Time being, by Virtue hereof, shall, upon due and sufficient Proof thereof, made in the Custom-house of or belonging to the same Port of London, give them sufficient Cocket or Certificate for the safe passing out thereof accordingly: And to the End no Deceit be used herein, to us, our Heirs or Successors, Certificate shall be brought from the collector of the custom, Subsidy, Poundage or other Duties, inwards, of us, our Heirs or Successors, to the Collector of the Custom, Subsidy, Poundage or other Duties, outward, of us, our Heirs and Successors, that the said Goods, Wares, and Merchandizes, have, within the Time limited, answered their due custom, Subsidy, Poundage or other duties, for the same inwards: And moreover, we of our further especial Grace, certain Knowledge and mere Motion, have granted, and by these Presents, for us, our Heirs and Successors, do grant unto The said Governor and Company of Merchants of London, Trading into the East-Indies, that it shall and may be lawful for them, their Factors or Assigns, in their First Voyage or Fleet, which is now in preparing for their First Adventure to the said East-Indies, to transport out of this our Realm of England, all such fereign Coin of Silver, either Spanish or other foreign Silver, as they have procured, prepared and gotten, or shall procure, prepare or get, as likewise all such other Coin of Silver, as thy have procured, or shall procure, to be coined in

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our Mint, within our Tower of London, out of such Plate or Bullion, as is or shall be provided, by The said Governor and Company of Merchants of London, Trading into the East-Indies, their Factors or Assigns before the going forth of the same Fleet in this their First Voyage, so as the whole Quantity of Coin, or Monies to be transported, in this their said First Voyage, do not exceed the Value or Sum of £30,000 Sterling, and so as the Sum of £6,000, at the least, parcel of the said Sum of £30,000, be first coined in our Mint, within our Tower of London, before the same shall be transported as aforesaid, any Law, Statute, Restraint or prohibition, in that behalf notwithstanding: And in like Manner, of our like especial Grace, certain Knowledge and mere Motion, we have granted, and by these Presents, do for us, our Heirs and Successors, grant unto the said Governor and Company of Merchants of London, Trading into the East-Indies, and their Successors, that it shall and may be lawful, to and for The said Governor and Company, and their Successors, after the said First Voyage, set forth yearly, for and during the Residue of the said Term of Fifteen Years, to ship and transport out of this our Realm of England, or Dominions of the same, in any their other Voyages, to or towards any the Parts, aforesaid, in Form afore-mentioned, all such foreign Coin of Silver, Spanish or other foreign Silver, or Bullion of Silver, as they shall, during the said Term, bring or cause to be brought into this Realm of England, from the Parts beyond the Seas, either in the same Kind, Sort, Stamp or Fashion, which it shall have when they bring it in, or any other Form, Stamp or Fashion, to be coined within our Mint, within our Tower of London, at their Pleasure; so as the whole Quantity of Coin or Monies, by them to be transported, in any their said Voyages, during the Residue of the said Terms, do not exceed the Value or Sum of £30,000 in any One Voyage; and so as the Sum of £6,000 at the least, Parcel of the said Sum or Value of £30,000, so to be transported as aforesaid, be first coined, within our said Tower of London, before the same shall be transported in any of the said

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Voyages, any law, Statute, Restraint or Prohibition, in that Behalf, in anywise notwithstanding: And further we of our ample and abundant Grace, mere Motion and certain knowledge, have granted, and by these Presents, for us, our Heirs and Successors, do grant unto The said Governor and Company of Merchants of London, Trading into the East-Indies, and their Successors, that they and their Successors, and their Factors, Servants and Assigns, in the Trade of Merchandise, for them and on their Behalf, and not otherwise, shall, for the said Term of Fifteen Years, have, use, and enjoy, the whole entire and only Trade and Traffick, and the whole entire and only Liberty, Use and Privilege of trading and Trafficking, and using Feat and Trade of Merchandize to and from the said East-Indies, and to and from all the Islands, Ports, Havens, Cities, Towns and Places aforesaid, in such Manner and Form as is above mentioned: and that they The said Governor and Company of Merchants of London, Trading into the East-Indies and every particular and several Person, that now is or that hereafter shall be of that Company, or Incorporation, shall have full and free Authority, Liberty, Faculty, License and Power, in Form aforesaid, to trade and traffick to and from the said East-Indies, and all and every the Parts thereof, in Form aforesaid, according to the Orders, Ordinances and Agreements hereafter to be made and agreed upon, by The said Governor and Company of Merchants of London, Trading into the East-Indies, and their Successors, or the more Part of them, present at any Court or Publick Assembly, of or for the said Company, the Governor of the said Company, or his Deputy for the Time being, being always present, at such Court or Assembly, and not otherwise: And for that the Ships, sailing into the said East Indies, must take their due and proper Times, to proceed in their Voyages, which otherwise, as we well perceive, cannot be performed in the Rest of the Year following: Therefore we of our especial Grace, certain Knowledge and mere Motion, for us, our Heirs and Successors, do grant, to and with The

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said Governor and Company of Merchants of London, Trading into the East-Indies, and their Successors, that, in any Time of Restraint, Six good Ships and Six good Pinnaces, well furnished with Ordnance, and other Munition for their Defence, and Five Hundred Mariners, English Men, to guide and sail in the same Six Ships and Six Pinnaces, at all Times, during the said Term of Fifteen Years, shall quietly be permitted and suffered to depart, and go in the said Voyages, according to the purport of these presents, without any Stay or Contradiction, by us, our Heirs or Successors, or by the Lord High Admiral, or any other Officer or Subject of us, our Heirs or Successors, for the Time being, in any wise, any Restraint, Law, Statute, Usage or Matter whatsoever, to the contrary notwithstanding. Provided nevertheless, that if we shall, at any Time within the said Term of Fifteen Years, have just Cause to arm our Navy in Warlike Manner, in Defence of our Realm, or for Offence of our Enemies, or that it shall be found needful to join to the Navy of us, our Heirs or Successors, the Ships of our Subjects, to be also armed for the Wars, to such a Number as cannot be supplied, if the said Six Ships and Six Pinnaces should be permitted to depart, as above is mentioned, then upon Knowledge given, by us, our Heirs or Successors, or by our Admiral to The said Governor and Company, about the 20th Day of the Month of July, or Three Months before The said Governor and Company shall begin to make ready the same Six Ships and Six Pinnaces, that we may not spare the said Six Ships and Six Pinnaces, and the Mariners requisite for them, to be out of our Realm during the Time that our Navy shall be upon the Seas, that then the said Governor and Company shall forbear to send Six such Ships and Six Pinnaces, for their Trade and Merchandize, until that we shall revoke or withdraw our said Navy from the said Service: and we of our further Royal Favour, and of our especial Grace, certain Knowledge and mere Motion, have granted, and by these Presents, for us, our Heirs and Successors, do grant to The said Governor and

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Company of Merchants of London, Trading into the East-Indies, and to their Successors that the said East-Indies, nor the Islands, Havens, Ports, Cities, Towns or Places thereof nor any part thereof shall not be visited, frequented or haunted by any of the Subjects of us, our Heirs or Successors, during the same Term of Fifteen Years, contrary to the true Meaning of these Presents: And by Virtue of our Prerogative Royal, which we will not in that behalf have argued, or brought in Question we straitly charge, command and prohibit, for us, our Heirs and Successors, all the Subjects of us, our Heirs and Successors, of what Degree or Quality soever they be, that none of them, directly or indirectly do visit, haunt, frequent or trade, traffick or adventure, by way of merchandise into or from any of the said East-Indies, or into or from any the Islands, Ports, Havens, Cities, Towns or Places aforesaid, other than the said Governor and Company of Merchants of London, Trading into the East-Indies, and such particular Persons as now be, or hereafter shall be of that Company, their Agents, Factors and Assigns during the said Term of Fifteen Years, unless it be by and with such License and Agreement of the said Governor and Company of Merchants of London, Trading into the East-Indies, in writing first had and obtained, under their Common Seal to be granted, upon Pain that every such Person or Persons that shall trade or traffick into or from any of the said East-Indies, other than the said Governor and Company of Merchants of London, Trading into the East-Indies, and their Successors, shall incur our Indignation, and the Forfeiture and Loss of the Goods, Merchandizes, and other Things whatever, which so shall be brought into this Realm of England, or any the Dominions of the same, contrary to our said Prohibition, or the Purport or true Meaning of these Presents, as also the Ship and Ships with the Furniture thereof, wherein such Goods, Merchandizes, or Things shall be brought; the One Half of all the said Forfeitures to be to us, our Heirs and Successors, and the other Half of all

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and every the said Forfeitures, we do, by these Presents, of our especial Grace, certain Knowledge and mere Motion, clearly and wholly for us, our Heirs and Successors, give, and grant unto The said Governor and Company of Merchants of London, Trading into the East-Indies: And further all and every the said Offenders, for their said Contempt, to suffer Imprisonment during our Pleasure, and such other Punishment, as to us, our Heirs or Successors, for so high a Contempt, shall seem meet and convenient, and not to be in anywise delivered, until they and every of them shall become bound unto the said Governor for the Time being in the sum of £1,000 at the least, at no Time then after, during this Present Grant, to sail or traffick into any of the said East-Indies, contrary to our express Commandment in that Behalf herein set down and published: And further, for the better Encouragement of Merchants, Strangers or others, to bring in Commodities into our Realm, we for us, our Heirs and Successors, do grant unto The said Governor and Company of Merchants of London, Trading into the East-Indies, that they and their Successors, may, from Time to Time, for any Consideration or Benefit, to be taken to their own Use, grant or give License, to any the Person or Persons to sail, trade or Traffic into or from any the said East-Indies, so as such License be granted or given, before such Goods, Wares and Merchandizes be laid on Land, and so as such License be made by the said Governor and Company of Merchants of London, Trading into the East-Indies, for the Time being, under their Common Seal: And further of our especial Grace, certain Knowledge and mere Motion, we have condescended and granted, and by these Presents, for us, our Heirs and Successors, we do condescend and grant unto The said Governor and Company of merchants of London, Trading into the East-Indies, and their Successors that we, our Heirs and Successors, during the said Term of Fifteen Years, will not grant Liberty, License or Power to any Person or Persons whatsoever, contrary to the Tenor

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of these our Letters Patents, to sail, pass, trade or traffick, to the said East-Indies, or into or from the Islands, Ports, Havens, Cities, Towns or Places aforesaid, or any of them, contrary to the true Meaning of these Presents, without the Consent of The said Governor and Company of Merchants of London, Trading into the East-Indies, or the most Part of them: And our Will and Pleasure is, and hereby we do also ordain, that it shall and may be lawful, to and for The said Governor and Company of Merchants of London, Trading into the East-Indies, or the more Part of them, whereof the Governor for the Time being, or his Deputy, to be one, to admit into and to be of the said Company, all such Apprentices, to any of The said Fellowship or Company, and all such Servants and Factors, of and for the said Company, and all such other, as to them, or the most Part of them, present at any Court, held for the said Company, the Governor, or his Deputy, being one, shall be thought fit and agreeable, with the Orders and Ordinances to be made for the Government of the said Company. Provided always, that if any of the Persons, before named and appointed, by these Presents, to be free of The said Company of Merchants of London, Trading into the East-Indies, shall not before the going forth of the Fleet, appointed for this First Voyage, from the port of London, bring in and deliver to the Treasurer or Treasurers appointed, or which, within the Space of Twenty Days next after the Date hereof, shall be appointed, by the said Governor and Company, or the more Part of them, to receive the Contributions and Adventures, set down by the several Adventurers, in this last and present Voyage, now in hand, to be set forth, such Sums of Money as have been, by any of the said Persons, by these presents, nominated to be of the said Company, expressed, set down and written in a Book for that Purpose, and left in the Hands of the said Thomas Smith, Governor of the said Company, or of the said Paul Banning, Alderman of London, and subscribed with the Names of the same Adventurers, under their Hands, and agreed

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upon to be adventured in the said First Voyage, that then, it shall be lawful for The said Governor and Company, or the more Part of them, whereof the said Governor or his Deputy, to be one, at any their General Court, or General Assembly, to remove, disfranchise and displace him or them at their Wills and Pleasures. And the said Governor and Company, of Merchants of London, Trading into the East-Indies, for them and their Successors, do, by these Presents, covenant, promise and grant, to and with us, our Heirs and Successors, that they The said Governor and Company, and their Successors, in all and every such Voyages, as they at any Time or Times hereafter, during the said Term, shall make out of this Realm, by Virtue of this our Grant and Letters Patents, the First Voyage only excepted, shall and will, upon every Return which shall be made back again into this Realm, or any of our Dominions, or within Six Months next after every such Return, bring into this our Realm of England, from the said East-Indies, or from some other Parts, beyond the Seas, out of our Dominions as great or greater Value in Bullion of Gold or Silver, or other foreign Coin of Gold or Silver, respectively, for every Voyage, the First Voyage only excepted, as shall be by Force of these Presents transported and carried out of this Realm, by them or any of them, in any Kind of Silver abovesaid whatsoever, in any of the said Voyages; and that all such Silver, as by Virtue of this our Grant and Letters Patents, shall be shipped or laden by The said Governor and Company, or their Successors, to be transported out of this Realm, in any of the said Voyages, shall from Time to Time, at the setting forth of every such particular Voyage, be shipped and laden at the Ports or Havens of London, Dartmouth, or Plymouth, or at some of the same Ports or Havens, and at no other Port or Haven whatsoever, within this our Realm, or the Dominions thereof; and that all and every such Silver, as from Time to Time shall be shipped and loaden in the said Ports of London, Dartmouth, or Plymouth, or any of them, to be

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by Force of these Presents transported out of this Realm, as is aforesaid shall from Time to Time be duly entered by the Customer, Controller, Collector or other Officer to whom it shall appertain, of every such Port or Haven, where the same shall happen to be shipped or laden, in the Custom-Book belonging to the said Port or Haven, before such Time as the same shall be shipped or laden, to be transported as is aforesaid, without any Custom or Subsidy, to be paid for the same ; and that in like Manner, all and all Manner of Gold and Silver whatsoever, which shall be brought into this Realm, or any of our Dominions, by The said Governor and Company, or any of them, according to the true Meaning of these Presents, shall likewise be, from Time to Time, duly entered by the Customer, Controller, or other Officer of every such Port, Creek or Place, where the same Gold or Silver shall happen to de unshipped, or brought to Land, before such Time as the same Gold or Silver or any Part thereof, shall be unshipped or brought to Land, as is aforesaid. Provided always, nevertheless, and our Will and Pleasure is, that these our Letters Patents, or any Thing therein contained, shall not in any Sort extend to give or grant any License, Power or Authority unto The said Governor and Company of Merchants of London, Trading into the East-Indies, or to any of them to undertake or address any Trade unto any Country, Port, Island, Haven, City, Creek, Town or Place, being already in the lawful and actual Possession of any such Christian Prince or State, as at this present is, or at any Time hereafter shall be in League or Amity, with us, our Heirs or Successors, and which doth not, or will not accept of such Trade, but doth overtly declare and publish the same, to be utterly against his or their Good-Will and Liking, any Thing before in these presents contained, to the contrary thereof notwithstanding. Provided also, that if it shall, hereafter appear to us, our Heirs or Successors, that this Grant or the Continuance thereof, in the Whole or in any Part thereof, shall not be profitable to us, our Heirs and Successors, or to this

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our Realm, that then, and from thenceforth, upon and after Two Years Warning, to be given to the said Company, by us, our Heirs or Successors, under our or their Privy Seal, or Sign Manual, this present Grant shall cease, be void and determined, to all Intents, Constructions and Purposes: And further of our especial Grace, certain Knowledge and mere Motion, we have condescended and granted, and by these Presents for us our Heirs and Successors, do condescend and grant to The said Governor and Company of Merchants of London, Trading into the East-Indies, and their Successors that if at the End of the said Term of Fifteen Years, it shall seem meet and Convenient unto The said Governor and Company, or any the Parties aforesaid, that this present Grant shall be continued, and if that also it shall appear unto us, our Heirs and Successors, that the Continuance thereof shall not be prejudicial or hurtful to this our Realm, but that we shall find the further Continuance thereof profitable for us, our Heirs and Successors, and for our Realm, with such Conditions as are herein mentioned, or with some Alteration or Qualification thereof, that then we, our Heirs or Successors, at the Instance and humble Petition of The said Governor and Company, or any of them, to be made unto us, our Heirs and Successors, will grant and make unto The said Governor and Company, or any of them, so suing for the same; and such other Person and Persons, our Subjects, as they shall nominate and appoint, or shall be by us, our Heirs or Successors, newly nominated, not exceeding in Number Twenty-Four, new Letters Patents, under the Great Seal of England, in due Form of Law, with the like Covenants, Grants, Clauses and Articles, as in these Presents are contained, or with Addition of other necessary Articles, or changing of these into some other Parts, for and during the full Term of Fifteen Years, then next following; willing hereby and straitly charging and commanding all and singular our Admirals, Vice-Admirals Justices, Mayors, Sheriffs, Escheators, Constables, Bailiffs, and all and singular other our Officers, Ministers, Liege Men

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and Subjects whatsoever, to be aiding, favouring helping and assisting unto The said Governor and Company, and to their Successors, and to their Deputies, Officers, Factors, Servants Assigns and Ministers and every of them, in executing and enjoying the Premises, as well on Land as on Sea, from Time to Time, when you or any of you shall thereunto be required, any Statue, Act, Ordinance, Proviso, Proclamation or Restraint, heretofore had, made, set forth, ordained, or provided, or any other Matter, Cause or Thing whatsoever, to the contrary in any way notwithstanding; although express Mention of the true yearly Value or Certainty of the Premises, or of any of them, or of any other Gifts or Grants, by us, or any of our Progenitors, to the said Governor and Company of Merchants of London, Trading into the East-Indies, or to any of them, before this Time made, in these Presents is not made, or any Statute, Act, Ordinance, Provision Proclamation or Restraint, to the contrary heretofore had made, ordained or provided, or any other Thing, Cause or Matter whatsoever, in any wise notwithstanding. In Witness whereof, we have caused these our Letters to be made Patents: Witness Ourself, at Westminster, the Thirty-first Day of December, in the Three and Fortieth Year of our Reign.

Huberd.

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II.

MALCOLM'S SUMMARY OF THE GROWTH OF THE POLITICAL POWER OF THE ENGLISH IN INDIA.

By the engagements with the Nabob of Bengal (1757), the Company had the privilege given them of coining money in the name of the Emperor of Delhi.

In the same year, the lordship of twenty-four districts, adjacent to Calcutta, was granted to them in perpetuity, and their facilities of trade were greatly extended. In 1760, the rich provinces of Midnapore, Burdwan, and Chittagong were made over to them by Cossim Ali, for the payment of a specified subsidiary force (*a*).

In 1763, at the restoration of the Nawob Jaffier Khan, the above provinces were ceded in perpetuity. In 1764, a grant from Shah Allum, Emperor of Delhi, gave them the countries of Benares and Gazeepore; and in the following year, 1765, the same authority made them nominal administrators, but real rulers of the rich and fertile provinces of Bengal, Behar, and Orissa.

Considerable cessions of territory were made to the Company, at this period, on the coast of Coromandel, in addition to some valuable lands made over in 1763, by the Nabob Mahomed Ali Khan. A jagheer, or estate, was granted in 1765, which included some of the most fertile districts in the Carnatic. A grant of the northern Circars had been obtained from the Subah of the Deckan, by Bussy: but when Massulepatam was taken, and the French were expelled from this possession, in 1759, by the English, the circars were transferred to them, and their right to this territory, as well as to the lands ceded by the Nabob of the Carnatic, was confirmed in 1765, by a deed from the Emperor of Delhi.

(*a*) 500 European cavalry, 2,000 infantry and 8,000 Sepoys.

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Bombay, the most ancient of the territorial possessions of the Company, was, in 1765, the most limited: but it had importance from its fine harbour, and its numerous dependent factories, among which it numbered Surat. This town and island, originally ceded by the Portuguese to King Charles II, as a part of the dower of his Queen, the Infanta Catherine, was made over by the King to the Company in 1668.

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III.

BEFORE PLASSEY.

The trade of this country was opened to the English by means of a surgeon named Boughton, who in 1636 was sent from Surat to Agra to attend a daughter of the Emperor Shaw Jehan, whom he cured, and the emperor, besides other favours, granted him a patent to trade free of customs throughout his dominions, with which Boughton proceeded to Bengal, intending to purchase goods in this province, and to carry them by sea to Surat. His patent would probably have been little regarded, if the Nabob of the province had not wanted his assistance to cure one of his favourite women whom he likewise recovered: on which the Nabob prevailed on him to remain in his service, giving him an ample stipend, and confirming the privilege of trade which he had obtained at Agra, with a promise to extend it to all others of the English nation who should come to Bengal. Boughton wrote an account of his influence to the English Governor at Surat, by whose advice the Company in 1640 sent two ships from England to Bengal, the agents of which being introduced to the Nabob by Boughton, were received with courtesy, and assisted in their mercantile transactions; and the advantages gained by this trial gave encouragement to prosecute the trade.

1636.

1640.

The profits accruing to Europeans by their trade to Indostan, arise much more from the commodities which they purchase in that country, than from those which they send thither, and the most valuable part of the cargoes returned to Europe consists of silk and cotton manufactures: the weaver of which is an Indian, living and working with his wife and several children in a hut, which scarcely affords him shelter from the sun and rain: his natural indolence however is satisfied in procuring by his daily labour, his daily

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bread; and the dread of extortion or violence from the officers of the district to which he belongs, makes it prudence in him to appear, and to be poor; so that the chapman who sets him work, finds him destitute of everything but his loom, and is therefore obliged to furnish him with money, generally half the value of the cloth he is to make, in order to purchase materials, and to subsist him until his work is finished; the merchant who employs a great number of weavers, is marked by the higher officers of the Government, as a man who can afford to forfeit a part of his wealth, and is therefore obliged to pay for protection, the cost of which, and more, he lays upon the manufactures he has to sell, of which by a combination with other merchants, he always regulates the price, according to the necessity of the purchaser to buy. Now the navigation to India is so very expensive, that nothing can be more detrimental to this trade than long protraction of the voyage; and loss, instead of profit, would ensue, if ships were sent on the expectation of buying cargoes on their arrival; for either they would not find these cargoes provided, and must wait for them at a great expense; or if ready, would be obliged to purchase them too dearly. Hence has arisen the necessity of establishing factories in the country, that the agents may have time and opportunity to provide, before the arrival of the ships, the cargoes intended to be returned in them.

The English Company, either in the first voyage or soon after, built a factory at Hughley, the principal port of the province, lying about one hundred miles from the sea on the river to which it gives its name, and which is the western arm of the Ganges; but the officers of the Government superintended the buildings, and objected to everything which resembled or might be converted into a station of defence; the Mogul empire, at that time, disdaining to allow in any part of its dominions, the appearance of any other sovereignty than its own: for whatsoever forts the Portuguese or other Europeans possessed on the sea coasts of Indostan, the territory on which they stood, and many of the forts

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themselves, were either wrested or purchased from princes at that time not conquered by the Mogul, in whose territory no European power had hitherto been suffered to erect a single bastion.

1640 to 1680.

Not permitted to have fortifications, the English were likewise prohibited from entertaining a military force sufficient to give umbrage to the Government, but were allowed to maintain an ensign and 30 men to do honour to the principal agents; who thus confined to commercial views, applied themselves with much industry to promote their own, and the company's interests in trade. Englishmen were sent from Hughley to those parts of the province in which the most valuable commodities were produced: but as the number of factors employed by the company did not suffice to superintend in different places the provision of such quantities of goods as were annually demanded, the greatest part of the purchases was managed at Hughley, where the principal agents contracted with merchants of the country, who, on receiving about one half of the value beforehand, obliged themselves under pecuniary penalties to deliver at fixed periods the goods for which they had contracted. The company being by these dispositions invested with a right in all the goods for which they had contracted even before these goods were manufactured, gave the name of Investment to all their purchases in India.

These were the only methods of carrying on the trade with reasonable expectation of profit; but they rendered the English entirely dependant on the Government of Bengal, who, either by seizing the goods which were provided, or by prohibiting them from being carried to the principal residence, from whence they were to be shipped, might at any time subject the company's estate to great detriment and loss: and of these risques the company were so apprehensive, that they kept their factories in Bengal dependant on the Presidency of Madras; where they had a fort and garrison, to which, in

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cases of sudden emergency, the agents in Bengal were to apply for advice and assistance.

Their trade, however, was carried on for some time without interruption, and with much success; but in a few years, when they had erected costly buildings, had accumulated large quantities of English commodities, and had given large credits in the province, the Government deeming them as it were fettered to the shore, changed its conduct towards them. The patents granted to Boughton, as well as the other stipulations which had induced them to settle in the province, were either disavowed, or construed in contradiction to their meaning: the same customs were levied from them, as from other merchants: the Nabob affected to arbitrate between the company and such of the natives, who in order to evade the payment of their debts, thought proper to purchase his protection; and even vagabond Englishmen offending against the Company's privileges, were encouraged to take refuge in his court, and to disavow the authority of their countrymen. In a word, every pretext which might bring the English affairs under his cognizance was practised in order to subject them to fines and exactions. If the settlements hesitated, or refused to comply with the Nabob's demands, their trade, throughout the province, was immediately stopped.

For these evils there were but two remedies, war or retreat: both worse than the mischief, for although the Government annually repeated its exactions, the advantages of the Bengal trade, whilst new, were such as rendered it more prudent to acquiesce, than by defiance to risque the whole of the company's stock and concerns in the province; and for forty years the English attempted no military resistance.

At length, finding these impositions extravagantly increased, because they had only been opposed by embassies and petitions; and having the same causes of complaint against the Mogul's Government at Surat; the company in the year 1685, determined to try what condescensions the effect of arms might produce; and with the approbation

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of King James the Second, fitted out two fleets; one of, which was ordered to cruize at the bar of Surat, on all vessels belonging to the Mogul's subjects: the other was designed not only to commit hostilities by sea at the mouths of the Ganges, but carried likewise 600 regular troops in order to attack the Nabob of Bengal by land. The agents at Hughley received previous notice of these intentions, and were instructed to call in all their factors and concerns, that all the English subjects and property might be in readiness to repair on board the ships, as soon as they should arrive in the road of Ballasore, from whence it was intended that they should proceed and surprise the city of Chittagong, on the opposite shore, where they were immediately to fortfy themselves.

The conduct of this war was entrusted to Job Chanock, the company's principal agent at Hughley, a man of courage without military experience, but impatient to take revenge of a Government from which he had personally received the most ignominious treatment, having not long before been imprisoned and scourged by the Nabob. One vessel of the fleet was lost, the largest ship, with another, were not able to make passage, and the rest did not arrive before the month of October, 1686: by which time a body of the Nabob's troops, probably from some suspicions of the intended hostilities had surrounded the factory at Hughley. Chanock, therefore, on the arrival of the ships, ordered the troops, about 460 men, to come up the riverto his assistance, gave battle; and drove the enemy out of the town. A truce ensued, during which all the company's effects were shipped by which time, the governor of Hughley having received considerable reinforcements, both sides were equally willing and ready to renew hostilities. The Moors were again discomfited: but nevertheless, prepared to blockade the factory again; to avoid which Chanock, on the 15th of December, took the field, and marching down the western bank of the river, burned and destroyed all the magazines

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of salt, and granaries of rice which he found in his way between Hughley and the island of Ingelee, which lies at the mouth of the river, near the western shore. On this spot, perhaps the most unhealthy in the province, he pitched his camp, in the month of April, whilst the ships anchored in the main stream. The Moors suffered them to remain here without molestation for three months during which sickness swept away 300 Europeans, which was two-thirds of the whole force.

In the meantime, the fleet sent to Surat had been much more successful, having taken from the Mogul subjects, cargoes, which were valued at a million of sterling money. These losses deterred the merchants at Surat from making preparation for future voyages; the manufacturers and mechanics left without employment, complained loudly of famine; and the emperor's revenues were considerably diminished; upon which Aurangzeb sent one of his officers from Delhi, with orders to hear the English complaints, and to mitigate the oppression they had suffered.

Orders of the same purport were likewise sent to the Nabob of Bengal, and arrived very fortunately for the English troops at Ingelee; when reduced to only 100 men capable of bearing arms, they were surrounded by 10,000 foot, and 3000 horse. Hostilities ceased, and by a treaty signed the 16th of August, 1687, it was stipulated, that
1687. the English should not only be permitted to return to all their factories in the province, but might likewise erect docks and magazines at Ulabarea, a village situated on the western bank, about 50 miles from the mouth of the river.

However Chanock had not faith enough in the treaty to return to Hughley without the ships, and, the Moors distrusted the English too much to suffer them to appear there with an advantage. He therefore remained three months at Ulabarea, during which the place was found to be so improper for the purposes which had induced him to ask

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it, that he desired and obtained leave to remove to Sootanutty, a town about 40 miles higher up, and on the other side of the river, where the factors and soldiery lived in huts until they could provide proper habitations. Meanwhile the war at Surat broke out afresh, on hearing which the Nabob of Bengal paid no regard to the treaty made at Ingelee; but gave up the English trade to the rapine of his officers, and at the same time demanded a very large sum as a recompense for the damage which his country had sustained by the late hostilities. Chanock being neither in a condition to oppose him by arms, nor to appease him with money, sent two members of the council to Dacca, to try if he might be softened by submissions. Soon after their departure the power of the settlement was translated from Mr. Chanock to Heath, a commander of one of the Company's ships, a man of courage but of a variable disposition, not far removed from craziness; who, soon after his arrival at Sootanutty, ordered all the English to repair on board the ships, and proceeded with them to the road of Ballasore, where the governor of the town offered to treat with him in behalf of the Nabob, and finding that this proposal was not received with cordiality, detained two of the Company's agents residing in the factory of Ballasore, as hostages against any violence: notwithstanding which, and that the two English deputies were still at Dacca, as well as two other factors in other parts of the province, Heath landed with a crew of sailors and attacked the town, which had no defences. This outrage was committed on the very day that the governor received a copy of the treaty which the Nabob had made with the two deputies at Dacca; by which it was stipulated, that the English ships should attack the King of Arracan. Heath pretended to acquiesce to these terms, hoping that his professions might facilitate his intentions of surprising Chittigan, where the fleet arrived on the 17th of January, 1689; but finding the works, as well as the garrison, much stronger than he expected, Heath, as if he had come with no

1688.

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other purpose offered, as he had promised, to join the Nabob against the King of Arracan; but soon after changing his mind again, he sailed to the river which leads to the capital of that country, where he proffered his service to the King against the Nabob, insisting, however, that their first attempt should be against Chittagan. But not being of a temper to bear the delays of an Indian administration, he as suddenly took disgust against this ally; and on the 13th of February, sailed away with the fleet and the company's agents across the Bay of Bengal to Madras, where they arrived on the 15th of March. Here he apologized for his conduct by saying, that nothing but lies had been told on all sides.

Nevertheless, the conduct, crazy and irregular as it was, produced better effects than could have been expected from measures dictated by the most prudent councils: for the Nabob imagined that the contempt and disrespect with which Heath had treated him, proceeded from a resolution which the English had taken, to abandon the trade of Bengal; and fearing to be called to a severe account by the Emperor Aurengzebe, for forcing them to quit the province he immediately sent letters to Madras requesting them to return, and promising all the immunities, the denial of which had been the cause of the late contentions. Such a condescension was thought a sufficient warrant of the sincerity of his intentions. Mr. Chanock, therefore, with his factors and thirty soldiers, sailed from Madras, and arrived in the month of July at Soota-nutty; where, in consequence of the Nabob's orders, the Government of Hughley received them with civility.

1690. The next year they received a phirmaund or patent from Aurengzebe, allowing them to trade free of customs, on condition of paying annually the sum of 3,000 rupees. The great advantages intended by this favour, depended however more on the temper of the Nabob, than on the will of the emperor; for the English had more than once before received such mandates, and found them of little

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use and the remembrance of former evils continued to raise solicitude, even when no immediate causes of apprehension subsisted.

The right of jurisdiction over the Indian inhabitant, whom the residence and commerce of the English continually attracted to Soota-nutty, became every day more necessary to prevent perpetual litigations with those, who although employed by the English, might at any time defy them in the courts of Government, in which the merchants of the settlement would be more cautious of seeking protection, if the company had power to stop their families and attach their effects: but this right of jurisdiction could not be purchased, even at Delhi, without the consent of the Nabob; it was equally necessary that the company should have a fort to protect their valuable effects against sudden violence; but even profers of money, repeated for five years successively, could not prevail on the Nabob to allow these privileges; and they were despaired of, when some unexpected events enabled the company to obtain them. In 1696, the Rajahs on the western side of the river Hughley, took up arms: they were headed by him of Burdawan, whose territory extends along the western side of the river from Nuddeah to the island of Ingelee, and who likewise possessed a considerable district on the other shore contiguous to Calcutta; so that the English, French, and Dutch companies, had each their principal settlement within his jurisdiction. The greatest part of the Nabob's army being near the Court at Dacca, the rebels made great progress before a force sufficient to oppose them could assemble: and in the meantime they took Hughley, plundered Muxadavad, in the island of Cossimbazar and from thence proceeded to Rajahmahal. On the breaking out of this war, the three European settlements augmented their soldiery, and declared for the Nabob; of whom they at the same time requested permission to put their factories in a state of defence against an enemy, whose resentment they must incur by their attachment to his government. The Nabob ordered them

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in general terms to defend themselves; and they taking for granted, what was not positively forbidden, with great diligence raised walls with bastions round their factories: the Dutch about a mile to the south of Hughley; the French two miles lower down the river, at Chandernagore; and the English at Calcutta, a small town contiguous to Soota- nutty, where they had built their principal magazines. Such was the origin of the three European forts in the province of Bengal, and they were the first which the Mogul government suffered foreigners to build in any part of the empire. An English sloop prevented the Rajah from taking the fort of Tannah; and the garrison of Calcutta, consisting of fifty men, beat a body of his troops within sight of the town. The Dutch assisted the Nabob's troops to retake Hughley. The French did little, but appeared in arms, and fortified themselves better than either of the other two.

The news of this rebellion alarmed Aurengzebe himself so much, that he sent one of his grandsons, Azim-al-Shan, with an army, to superintend the three governments of Bengal, Behar, and Orixa. This prince was son of Mahomed Mauzm, who reigned after his father Aurengzebe, with the title of Behader Shah; and Azim-al Shah himself seems likewise, even at this distant period, to have had an eye to the throne; for he came into Bengal with a resolution to amass money by every means. This avaricious disposition the English plied with presents, which in 1698 obtained his permission

1698. to purchase from the Zemindar, or Indian proprietor, the towns of Soota-nutty, Calcutta, and Gobindpore, with their districts, extending about three miles along the eastern bank of the river Hughley, and about one mile inland: the prince, however, reserved the annual fine of 1195 rupees, which this ground used to pay to the Nabob of the Province. But at this time, when the English settlements seemed on the point of emerging from continued difficulties to a state of prosperity, the erection of a new East India Company, in opposition to the old renewed all the former evils. The new company established their factory at Hughly, and the competition

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between the respective agents was carried on with the same animosity as exasperated their Principals in England, which exposed the concerns of both to the impositions of the Nabob, and of the merchants of Bengal, who took every advantage of this rivalry. However, the spirit of commerce, which knows no resentments that are prejudicial to its interest, soon reconciled the contending parties of England, and produced a coalition of which the preliminaries were adjusted in 1698; but the final union did not take place till seven years after; this time being necessary to blend the different concerns of both companies into one common stock.

In the meantime, the settlement of Calcutta had attracted such a number of inhabitants, as excited the jealousy of the governor of Hughly, who, pretending that he should be punished for suffering so many of the Mogul's subjects to withdraw themselves from his jurisdiction, threatened to send a Cadi or Mahamedan judge, and officers of the police, to administer justice amongst the natives living under the English flag. The measure would have renewed the same inconveniences, which had forced the English to quit Hughly: it was therefore counteracted by a bribe given to Azam-al-Shan, who forbade the governor of Hughly from proceeding in his intentions. By this constant attention to money, Azam-al-Shan in three years amassed three millions of pounds, sterling, which he carried with him out of the province: but he left behind him his son Furrukshir to get more; who, in 1713, gained the throne, after his father had perished in disputing it with his brothers.

The union of the two companies, by augmenting the stock, increased the trade, and enlarged the views of the direction. Who at the same time, warned by the late examination of the company's affairs in Parliament, exerted themselves with zeal and intelligence, in order to confound the clamours of those who exclaimed against the institution of an East India Company, as a monopoly detrimental to the mercantile interests of the nation. The Commerce of Bengal more

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especially became the object of their attention: the subordinate factories of Cossimbazar, Dacca, and Balasore, which had been abandoned, were now resettled: the exports and imports were doubled in value and in quantity: and the garrison of Calcutta, was augmented to 300 men: all which the Government of Bengal contrary to its usual maxims, beheld without repugnance, and even without demanding money as the price of its forbearance and favour. This was the longest term of repose from vexations, which the English had experienced since their first establishment in the province; and the increasing importance of the colony induced the company in 1707 to withdraw the settlements in it, from their former dependence on Madras, and to declare Calcutta a presidency accountable only to the direction in England.

But the Nabab Jaffier Khan, who at this time was appointed to rule Bengal, did not suffer the English to remain any longer in this state of ease and independence: and the respite which they had lately enjoyed served only to convince him, that as being better able, they ought the more readily to comply with his demands. Having removed the Seat of Government from Dacca to Muxadabad, in the centre of the Province, he was better enabled to take cognizance of their affairs; and to discover pretexts and means of distressing them, without openly violating the privileges which they had obtained from Aurangzebe and Azimal Shan. Every year of his administration was marked by extraordinary and increasing extortion, not only from the Europeans, but from all ranks of people in the province: at the same time he was as much dreaded for his abilities as detested for his iniquities: and the presidency of Calcutta, not seeing any better resource, proposed in the year 1713 to the company in England, that an embassy of complaint, supported by a valuable present, should be sent to the great Mogul at Delhi. To this measure the company readily acquiesced, directing the presidencies of Bombay and Madras to join their grievances in the same

1713

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petition with those of Bengal. The nomination of the embassadors was left to Mr. Hedges the Governor of Calcutta who chose John Surman and Edward Stephenson, two of the ablest factors of the Service there: joining to them an Armenian, named Serhaud, who had for many years been the principal merchant in the settlement.

It does not appear, that the presidency had any other lights to direct their proceedings and expectations at Dehli, excepting such as they received from this Armenian, who had never been there: but who was very solicitous to be admitted into this honourable commission, in hopes of getting a great deal of money by the goods he should carry free of charges in the train of embassy. The presents designed for the Mogul and his officers consisted of curious glass ware, clock work, toys, brocades and the finest manufactures of woollen cloths and silks valued altogether at 30,000 pounds: which Serhaud, in his letters to Delhi, magnified to 100,000 and gave such a description of the rarities which were coming, that the Mogul Furrukshir ordered the embassy to be escorted by the governors of the provinces through whose territories it might pass. The train proceeded on the Ganges from Calcutta to Patna, the capital of Behar, and from hence by land to Delhi, where they arrived on the 8th of July 1715, after a march of three months. The famous Hossanally, who afterwards deposed four, and created five emperors of Indostan, was at this time Vizir, dreaded by his sovereign, and mortally hated by Cawndorah, who was in full possession of the emperor's favour. The English, by their previous correspondence to Delhi, had chosen Cawndorah for the patron of their petitions, to which the rivality between these lords was likely to prove no little detriment; for the one only could persuade the emperor to grant, what the other alone had the power of carrying into execution. Jaffir the Nabob of Bengal, had from the beginning regarded the embassy with detestation as the strongest imputation against the integrity of his own

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conduct, and would probably have counteracted it, both by representations and money, if he had not wanted all his influence at Delhi to promote the success of greater views; for he had for some years been soliciting the annexion of the provinces of Behar and Orixa to the Government of Bengal, and the succession to this vast viceroyalty, in his family. Never-the-less his emissaries privately spread their specious objections amongst his friends: which, with the desire of Hossan Ally to thwart Cawndorah, would probably have soon produced the dismission of the ambassadors with civil and insignificant answers, if an accident which on a less important occasion would have been too mean to merit historical notice, had not placed them at once in a high degree of favour with the emperor himself: whom not all the vigilance of a Mogul's seraglio had been able to preserve from the contagion of a distemper, which its institutions seem so well calculated to prevent.

The Mogul, despairing of the skill of his own empiricks, was advised by Cawndorah to employ the Surgeon of the English embassy, named Hamilton, by whom he was in a few weeks perfectly cured: and, in gratitude for this service, promised to grant the embassadors any indulgences, which might be consistent with the dignity of his Government. Soon after his recovery succeeded the festival of his marriage with the daughter of Jaffeing, the principal Rajah of the Rajpoot nation; which interrupted all other business; and obliged the embassadors to wait six months before they could gain permission to present their petition.

It was delivered in the month of January of the next year 1716, and contained a variety of requests. "That the cargoes of English ships which might be wrecked on the Mogul's coast should not in future be plundered: that a stipulated sum paid annually to the Government of Surat, should exempt the English trade at that port from the Mogul's duties, and from the visitation of his officers, who had continually

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extorted more than they were authorized to demand: that the rupees coined in the mints of Bombay and Madras should pass in the receipt of the Mogul's revenue: that three villages, contiguous to Madras which had formerly been granted, and were afterwards taken back by the government of Arcot, might be restored to the company in perpetuity, subject to the payment of the former fine, that the island of Diu near the port of Masulipatam might be given to the company, paying for it an annual rent of 7000 pagodas." In behalf of the presidency of Calcutta, the petition represented all the impositions of the Nabob of Bengal, and proposed, "that they should be obviated by positive orders, that all persons, whether Europeans or natives, who might be indebted or accountable to the Company, should be delivered up to the presidency at Calcutta on the first demand: that the officers of the mint at Muxadabad should at all times, when required, allow three days in the week for the coinage of the Company's money: and that a passport, or dustuck, signed by the president of Calcutta, should exempt the goods it specified from being visited or stopped by the officers of the Bengal Government on any pretence whatsoever:" and in order to maintain these excellent privileges, if granted, even in defiance of the Nabab himself, it was requested, "that the English might purchase the lordship of thirty seven towns, with the same immunities as Azim-al-Shan had permitted them to buy Calcutta, Soota-nutty and Govindpore.

Cawndorah, although he meant the embassy well, advised them to act as if they had no other reliance than on the Vizir; and the Emperor with the same caution, professed indeed a general approbation of the petition, but directed the several articles to be discussed by the different officers of the state, to the cognizance of which they were deemed to belong. This subjected the whole petition to the judgment of the vizir; who, not without candour, disputed all the material articles, and readily allowed those of less consequence: a second petition was therefore presented to the emperor in consequence of

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which some more points were given up by the vizir; and then a third; which, being received with the same favour as the other two, induced him to give up the rest of his objections. But, to the great disappointment of the embassadors, the mandates were issued, not under the Mogul's, but under the seal of the vizir; which, although carrying great authority in the provinces near the capital, was likely to be little respected by the distant viceroys, to whom these mandates were addressed. To increase their difficulties, the Armenian Serhaud, having been checked by his colleagues in some irregular proceedings, perplexed all their operations; and, as they thought, betrayed their councils. Nevertheless Messrs. Stephenson and Surman with great steadiness and spirit returned the mandates, and determined to wait until they should obtain patents under the seal of the Mogul.

These procrastinations had already led the embassy to the month of April of 1716, when the emperor took the field, and marched towards Lahore against the Sykes, a nation of Indians lately reared to power, and bearing mortal enemity to the Mahomadans. The embassadors followed the camp. The campaign was tedious, though successful, and amongst other events, produced a quarrel between the troops of the vizir and Cawndorah, which rendered their dissension utterly irreconcilable. Their jealousies, after the return of the army to Delhi, continued to protract the admission of the claim made by the embassadors; who having wasted fourteen months without the least progress, began to despair of success, when they were advised to bribe a favourite eunuch in the seraglio, who promised on this condition to procure the patents in the form they desired, and without delay.

So much money had already been spent, that the embassadors thought it would be trivial not to risk this sum as the last experiment, although they much doubted the effect. But to their surprize, as soon as the money was paid, the vizir and all his dependents appeared as much inclined, as they had hitherto been averse, to promote their

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requests ; and soon after thirty-four patents, including the different subjects of the petition, were issued in the Mogul's name, and signed with his seal. They were delivered to the embassadors before they had discovered the real cause of their unexpected success ; which however, was explained to them before they left Delhi, by one of Cawndorah's officers. In the year 1686, a little while before the fleet sent from England began to take the ships belonging to the Moors, the English agents at Surat retired to Bombay. They returned after the peace ; but a little before the present patents were issued, the presidency of Bombay had again withdrawn the factory of Surat, as a residence not worth maintaining, unless the trade could be freed from the impositions to which it had of late years been subject. The government of Surat, reasoning from former experience, took the alarm, and firmly believed that a fleet was on its way from England to commit hostilities, as in the year 1687, which would have been attended with the same success ; for many ships of value belonging to the Mogul's subjects were at sea. The eunuch, to whom the embassadors had given the bribe, was the intimate correspondent and friend of the Nobab of Guzurat, who had desired him to represent to the Vizir, that it was better to satisfy the English by granting their petitions, than by a refusal to expose the trade of Surat to their reprisals. To this advice the Vizir immediately acquiesced, and from that hour changed his conduct towards the embassadors , the eunuch being early in the secret, and foreseeing the change that would shortly ensue, determined to reap some advantage from his intelligence and imposed himself on the embassadors as author of the benefits which it was not in his power to prevent. The embassadors having thus accomplished their commission, took leave of the Emperor in the month of July 1717, two years after their arrival at Delhi. The patents addressed to the Soubah of the Deccan, and the Nabab of Guzurat, took effect as soon as they were published, because they afforded no political

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pretext of opposition, as adding nothing to the military strength of the company's settlements in either of these subahships, although to their commercial advantages. But the thirty-seven towns which they were permitted to purchase in Bengal would give them a district extending ten miles south of Calcutta along the banks on each side the river Hughley, of which the passage in this extent might be easily commanded by the erection of batteries or redoubts; at the same time that the revenue of the tract would defray the expence: and it was supposed that a great number of weavers might be established in it, who would be immediately subject to the company's jurisdiction. The shrewdness of the Nabob Jaffier, exasperated by his grudge to the embassy in general, saw the consequences of this grant with indignation; but, not daring openly to dispute the Mogul's order, he deterred the holders of the land with secret threats of vengeance from parting with their ground on any terms of compensation which might be proffered to them: and the English Government confiding too much in the sanction of the Mogul's authority, neglected the more efficacious means of bribing the Nabob to their own views; and thus the most important concession which had been obtained by the embassy, was entirely frustrated. However, Jaffier admitted the privilege of the dustucks, which, being recognized throughout the province, greatly facilitated the circulation of the company's trade; which now no longer paid customs, nor was liable to be stopped by the officers of the government: and this immunity was still more beneficial, because the other European colonies were not entitled to it: nor indeed, any of the natives excepting two or three principal merchants, who purchased it at a high rate of the Nabob.

The company, confining themselves entirely to the trade between India and Europe, had, not unwisely, relinquished to their agents that which is carried on from one part of India to another: but the impositions of the Government had hitherto prevented their agents from reaping any

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considerable advantages from this indulgence: and to promote their profits, the company, soon after the embassy, allowed all those who served them under covenants to make use of their dustucks for such commodities as belonged to themselves; but forbid, under severe penalties, the prostitution or extension of this privilege to any others. A question now arose, whether the company's agents were entitled to trade from one part of the province to another in such commodities as were the produce of Bengal. The Mogul's patent implied no restrictions. But they could not be ignorant of the intentions of Delhi concerning this privilege; for when the embassadors proposed to Cawndorah that it should extend to all kinds of commodities, he replied with emotion "The Sea!" And the Nabob Jaffier openly treated the pretension with the same indignation as he had secretly felt against the ceded lands, declaring that he would not suffer the dustucks to protect any goods, excepting such as were imported, or were purchased to be exported, by sea; alleging that as the salt, beetle-nut, and tobacco, together with some other articles of general consumption, were either farmed out in monopolies, or taxed at excessive rates, the detriment to the revenues would be as great as the advantages to the company's agents, if they were permitted to trade in these articles, free of the customs and rents which were paid by the natives who dealt in them.

Convinced as much by the reasoning, as deterred by the power, of the Nabob, the agents receded from their pretension, and applied themselves to make the most advantage of those privileges which were not contested. Success produced new adventures; and the superior skill of our countrymen in navigation, induced the merchants of the province, Moors, Armenians and Indians, to freight most of the goods which they exported to foreign markets, on the shipping belonging to the colony, which, in ten years after the embassy, amounted to 10,000 tons; and many private fortunes were acquired, without injuring the com-

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pany's trade, or subjecting their estate to disputes with the Government. The presidency nevertheless, found it their interest from time to time to sooth the Nabob with presents, in order to promote the increase of the company's investment, and to facilitate the course of their business at the subordinate factories: but the people of all denominations residing in Calcutta, enjoyed after the return of the embassy, a degree of independence and freedom unknown to all the other inhabitants of Bengal: who, on the contrary, were oppressed every year with increasing vexations by the rapacity of the Nabob.

1718. In 1718, the year after the embassy, Jaffier received from Delhi the patents he had long solicited, annexing the provinces of Behar and Orissa to his Government of Bengal, and the reversion of the whole to his heir.

The Ganges, in a course which tends with little deviation from the west to the east point of the compass, flows through the whole province of Behar, and divides it into two regions. The southern extends about 220 miles from the river Caramnassa to Tacriagully, and is skirted to the South by the chain of mountains which on this side accompanies the course of the Ganges: and several districts belonging to the province are included within the mountains themselves, but none recede more than 60 miles from the river. The river Dewah, which is likewise called the Gogra, joins the Ganges on its northern shore 180 miles to the west of Tacriagully. That river for a long way before the junction tends from the W. N. W. and 40 miles of the lower part of its channel forms part of the western boundary of the northern division of Behar, which extends to the east 180 miles, to the line we have noted as the limit of Purniah, and recedes from the Ganges and Dewah 90 miles to the north; where forests at the foot of the range of mountains, which bound the country of Napal, continue with the mountains to the

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eastward far beyond Rangamati, and form the northern boundaries of Behar, Bengal, and Assam. The area of Behar comprizeth 9 square degrees. The capital, Patna, stands on the southern bank of the Ganges, 130 miles to the west of Tacriagully. There are many manufactures in this province, although nothing near so many as in Bengal, to which it is likewise much inferior in fertility; but it produces a great quantity of saltpetre, and of the best opium in India.

Orissa is the most northern country on the east side of the promontory of Indostan. The river Pipley coming from the N. W. disembogues, as we have said, in the latitude of 22, 25, opposite to the island of Sagore. The channel of this river for 40 miles from its mouth, and an imaginary line 20 miles farther to the west, to the foot of the Nelligreen hills, before they curve to the east behind Balasore, divide Orissa from Bengal. Southward it extends along the sea coast to the latitude of 20, 10, within 6 miles of Gangam, which terminates the province of Chicacole, in the Decan. To the westward Orissa is separated from the province of Behar by a vast tract of mountains, hitherto unexplored. The interior of the province is the strongest and best soil in the empire; but from the want of good sea-ports, there are few manufactures, and very little circulation of gold and silver, in the country. Catteck, the capital, is situated in the latitude of 21, 23 and 50 miles from the sea.

Jaffiir had no sons, but before his arrival in Bengal had given his only daughter in marriage to Sujah Khan, a lord of distinction, who accompanied him into the province. Of this marriage were born two sons, both of whom were arrived at man's estate, when the commission appointing their father Sujah to succeed Jaffier was sent from Delhi. Sujah, although humane, was indolent and voluptuous, and his father-in-law, being desirous to break him to business, sent him soon after the patents were received, to govern the province of Orissa.

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A few months after his arrival at Catteck, two brothers, natives of Tartary, came to his court with strong recommendations from Delhi, in compliance with which Sujah received them into his service: appointing the elder, Hodgee Hamed, to attend his person as a domestic, and the other, Allaverdy, to command a troop of horse. They were both employed according to their talents. For the elder was calm, supple, wily, provident, but void of natural courage: the younger, stern, active, intrepid, sagacious, but too high-minded to submit to the compliances necessary in an Asiatic Court. Conviction of the assistance which each might derive from the qualities of the other cemented them, as much as the relation of blood, in the most inviolable friendship. This powerful and uncommon union seemed to command fortune; for in a few years they raised themselves to the highest offices in Sujah's court and army; Hodgee Hamed becoming his prime minister, and Allaverdy the general of his troops. The Nabob Jaffier fore-saw and dreaded the consequences of their influence: but the infirmities of old age had rendered him incapable of taking the vigorous resolutions necessary to extricate his successor from the toils into which he had been led; and in 1725 Jaffier
1725 died, to the great joy of the province; but of none more than the two brothers, to whose ambition his death opened more extensive prospects. They accompanied Sujah to Muxadavad, and partook of the increase of his power, administering the same employments in the general Government of the Subahship, as they had held in the province of Orissa.

In 1729 Sujah appointed Allaverdy to govern Behar, in which station he had frequent opportunities of exert-
1729. ing his military talents, as well as his political abilities; being constantly in arms against the Indian Chiefs on both sides the Ganges, who had never been reduced to a settled dependance on the Moorish Government. However, after many fights, intrigues, and assassinations, all submitted, and afterwards continued in obedience to Allaverdy; who now

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feeling his strength, gave scope to his ambition, which as usual, obliterated every sentiment of gratitude to the creator of his fortunes.

In the meantime Hodgee maintained his influence over the Nabob by an obsequiousness which prevented all suspicions, and remitted large sums to his brother, which were sent to Delhi, and in 1736 procured a commission from thence
1736. appointing Allaverdy, Nabob of Behar, free from any dependance on the Government of Bengal: but as there was no immediate occasion to proclaim this title, of which he already enjoyed most of the advantages, the brothers agreed that it should be kept secret, until there should be a necessity of asserting it publickly. However, such a transaction could not be entirely concealed; and the first informations leading to farther investigations, Sujah, although unwillingly, was at last convinced of the treacherous ingratitude of his favourites.

He was meditating revenge, when the approach of Nadir Shah struck all the provinces of the empire with consternation, and kept all their rulers in suspense how far the storm would reach: and in 1739, before the Persians left Delhi,
1739. Sujah died.

The succession devolved to his only surviving son Suffraze Khan, a man of mean abilities, and governed only by his vices. He, however, bore the strongest resentment against the two brothers; but the fear of Allaverdy restrained him from taking away the life of Hodgee, who was in his power: and Allaverdy, trembling for the safety of his brother, refrained from committing any hostilities, but improved his army.

The profligacy of Suffraze Khan increased with the means of indulgence: and his debaucheries went to
1740. an excess that disordered his understanding. There was, amongst the officers of the court, an old Gentoo of distinction, named Allumchund, whom the late Nabob used to consult with confidence; relying on which, Allumchund ventured, in a private conference, to warn Suffraze Khan of the

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dangerous consequences of his intemperance; but Suffraze Khan answered him with ignominious abuse and invectives. No one after this ventured to shew any disapprobation of his inclinations: and, left to himself, he soon after committed a more extravagant outrage.

There was a family of Gentoo merchants at Muxadavad, whose head, Juggutseat, had raised himself from no considerable origin to be the wealthiest banker in the empire, in most parts of which he had agents supplied with money for remittances; from whom he constantly received good intelligence of what was transacting in the governments in which they were settled: and in Bengal his influence was equal to that of any officer in the administration: for by answering to the treasury, as security for most of the renters farming the lands of the province, he knew better than any one all the details of the revenues; and the great circulation of wealth, which he commanded, rendered his assistance neccessary in every emergency of expence. His eldest son, soon after the disgrace of Allumchund, married a woman of exquisite beauty, the report of which alone inflamed the curiosity of the Nabob so much, that he insisted on seeng her, although he knew the disgrace which would be fixed on the family, by shewing a wife, unveiled, to a stranger. Neither the remonstrances of the father, nor his power to revenge the indignity, availed to divert the Nabob from this insolent and futile resolution. The young woman was sent to the palace in the evening; and after staying there a short space, returned, unviolated indeed, but dishonoured, to her husband. Hodgee, who had been lurking for some such occasions of conspiracy, now began to move; and made overtures to Jaggutseat and Allumchund, who received them with eagerness. Secret meetings were concerted, in which it was agreed, that as soon as Hodgee could be placed out of the reach of danger, Allaverdy should invade Bengal, and, if successful, take the Nabobship. But the first difficulty seemed insurmountable, as nothing could be more contrary to the

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security of the Nabob than the release of such a pledge as Hodgee, and it was impossible that he could be removed out of the province without the Nabob's consent ; which nevertheless was at length obtained, by the intercession, it is said, of some of the principal officers of the Durbar, whom Hodgee had gained over and admitted into the secret of his conspiracy. The Nabob at the audience of taking leave treated Hodgee with scoff and mockery. The conveyances for his departure having for some time been held in readiness, he proceeded immediately on his journey to Patna ; and as soon as he arrived there, Allaverdy, giving out that he was dishonoured by the ignominious manner in which his brother had been turned out of the province, began his march towards Bengal.

His approach was so sudden, that he gained the pass of Tacriagully before Suffraze Khan had time to secure it by a proper reinforcement. On hearing which, the Nabob accused Juggutseat of treachery ; who defended himself by producing letters from Allaverdy, prepared for the purpose, in which he was upbraided for not having used his influence to prevent the banishment of Hodgee.

Suffraze Khan now assembled his troops, and ordered them to rendezvous on the plain of Gheria, which lies on the west side of the river of Cossimbazar, about five miles to the north of Muxadavad. Here he had scarcely formed his encampment, which consisted of 30,000 men, horse and foot, when Allaverdy appeared in sight with an equal number, but of better troops ; for amongst his cavalry were 3,000 Pitans, the bravest of the Mahomedans in Indostan ; and his infantry levied in Behar, were much stouter than those in the army of Suffraze Khan, who were mostly natives of Bengal.

However, the unexpected firmness of the Nabob inspired some of his officers with courage ; but more were either dissaffected, or wavering ; and all belonging to the artillery had been engaged by Allumchund to discharge the cannon without ball, and to desert it soon after the onset. Troops after troops quitted the field, as soon as they saw the artillery

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abandoned. Nevertheless Suffraze Khan continued the fight until he was left with only a few squadrons of horse, whom the enemy were moving to surround, when the driver of his elephant, warning him of the danger, offered, at the forfeit of his head, to convey him back safely to the capital; to which proposal the Nabob, with a resolution worthy of a better life and of a better fate, replied, that he scorned to retreat before rebels and traitors; and ordered the driver to push into the thickest of the enemy's troops, toward the standard of Allaverdy; where, supported by the remains of his cavalry, he renewed the fight more desperately than ever, until he fell, shot through the heart by a musket ball.

Allaverdy, without meeting any further opposition, marched to Muxadavad where he was immediately proclaimed Nabob of Bengal, Behar, and Orissa; and used his victory with more lenity and moderation than is usually practised by eastern conquerors; and even spared the two sons of Suffraze Khan, whom, with their mother and other relations, he sent to take up their residence at Dacca, at the extremity of the province, where his officers were instructed to treat them with respect, whilst their conduct should give no umbrage. The whole province submitted as peaceably to his Government, as if no revolution had happened: but Mussut Kouli who governed Orissa under Suffraze Khan, flying from the battle of Gheria, retreated to Catteck, and when summoned by Allaverdy, refused to acknowledge his sovereignty. He therefore called his brother Hodgee from Patna to administer the Government of Bengal during his absence, and then marched into Orissa, and in less than a month expelled Mussut Kouli and reduced the province.

Orme's Military Transactions.

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IV.

PLASSEY, AND AFTER.

A.

ROBERT CLIVE, *Letter to the Directors of the East India Company.*

1757.

I gave you an account of the taking of Chandernagore; the subject of this address is an event of much higher importance, no less than the entire overthrow of Nabob Suraj-u-Dowlah, and the placing of Meer Jaffier on the throne. I intimated, in my last, how dilatory Suraj-u-Dowlah appeared in fulfilling the articles of the treaty. This disposition not only continued but increased, and we discovered that he was designing our ruin, by a conjunction with the French. To this end Monsieur Bussy was pressingly invited to come into this province, and Monsieur Law of Cossimbazar (who before had been privately entertained in his service) was ordered to return from Patna.

About this time some of his principal officers made overtures to us for dethroning him. At the head of these was Meer Jaffier, then Bukhshee to the army, a man as generally esteemed as the other was detested. As we had reason to believe this disaffection pretty general, we soon entered into engagements with Meer Jaffier to put the crown on his head. All necessary preparations being completed with the utmost secrecy, the army, consisting of about one thousand Europeans, and two thousand sepoys, with eight pieces of cannon, marched from Chandernagore on the 13th, and arrived on the 18th at Cutwa Fort, which was taken without opposition. The 22nd, in the evening, we crossed the river, and landing on the island, marched straight for Plassey Grove, where we arrived by one in the morning. At daybreak, we discovered the Nabob's army moving towards us,

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consisting as we since found, of about fifteen thousand horse, and thirty-five thousand foot, with upwards of forty pieces of cannon. They approached apace, and by six began to attack with a number of heavy cannon, supported by the whole army, and continued to play on us very briskly for several hours, during which our situation was of the utmost service to us, being lodged in a large grove, with good mud banks. To succeed in an attempt on their cannon was next to impossible, as they were planted in a manner round us, and at considerable distances from each other. We therefore remained quiet in our post, in expectation of a successful attack upon their camp at night. About noon the enemy drew off their artillery, and retired to their camp, being the same which Roy Dullub had left but a few days before, and which he had fortified with a good ditch and breastwork. We immediately sent a detachment, accompanied with two field-pieces, to take possession of a tank with high banks, which was advanced about three hundred yards above our grove, and from whence the enemy had considerably annoyed us with some cannon managed by Frenchmen. This motion brought them out a second time; but on finding them make no great effort to dislodge us, we proceeded to take possession of one or two more eminences lying very near an angle of their camp, from whence and an adjacent eminence in their possession, they kept a smart fire of musketry upon us. They made several attempts to bring out their cannon, but our advanced field-pieces played so warmly and so well upon them, that they were always drove back. Their horse exposing themselves a good deal on this occasion, many of them were killed, and among the rest four or five officers of the first distinction, by which the whole army being visibly dispirited and thrown into some confusion, we were encouraged to storm both the eminence and the angle of their camp, which were carried at the same instant, with little or no loss; though the latter was defended (exclusively of blacks) by forty French and two pieces of cannon; and the former by a large body of blacks both foot and horse. On this, a general rout

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ensued, and we pursued the enemy six miles, passing upwards of forty pieces of cannon they had abandoned, with an infinite number of hackaries, and carriages filled with baggage of all kinds. Suraj-u-Dowlah escaped on a camel, and reaching Moorshedabad early next morning, despatched away what jewels and treasure he conveniently could, and he himself followed at midnight, with only two or three attendants.

It is computed there are killed of the enemy about five hundred. Our loss amounted to only twenty-two killed, and fifty wounded, and those chiefly blacks. During the warmest part of the action we observed a large body of troops hovering on our right, which proved to be our friends; but as they never discovered themselves by any signal whatsoever, we frequently fired on them to make them keep their distance. When the battle was over, they sent a congratulatory message, and encamped in our neighbourhood that night. The next morning Meer Jaffier paid me a visit, and expressed much gratitude at the service done him, assuring me, in the most solemn manner, that he would faithfully perform his engagement to the English. He then proceeded to the city, which he reached some hours before Suarj-u Dowlah left it.

B.

Clive upon British Policy in India.

CALCUTTA, 7TH JAN. 1759.

To the Rt. Hon. William Pitt, one of His Majesty's Principal Secretaries of State.

SIR,

. . The close attention you bestow on the affairs of the British nation in general, has induced me to trouble you with a few particulars relative to India, and to lay before you an exact account of the revenues of this country, the genuineness whereof you may depend on, as it has been faithfully extracted from the minister's books.

The great revolution that has been effected here by the success of the English arms, and the vast advantages gained

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to the Company by a treaty concluded in consequence thereof has, I observe, in some measure, attracted the public attention but much more may yet in time be done if the Company will exert themselves in the manner the importance of their present possessions and future prospect deserves. I have represented to them in the strongest terms the expediency of sending out and keeping up constantly such a force as will enable them to embrace the first opportunity of further aggrandising themselves, and I dare pronounce from a thorough knowledge of this country government and of the genius of the people acquired by two years' application and experience that such an opportunity will soon offer. The reigning Subah, whom the victory at Plassey invested with the sovereignty of these provinces, still retains his attachment to us. But he is advanced in years, and his son is so cruel, worthless a young fellow, that it

* * *

will be almost unsafe trusting him with the succession. So small a body as two thousand Europeans will secure us against any apprehensions from either the one or the other; and in case of their daring to be troublesome, enable the Company to take the sovereignty upon themselves.

There will be the less difficulty in bringing about such an event, as the natives themselves have no attachment whatever to particular princes; and as under the present government, they have no security for their lives and properties, they would rejoice in so happy an exchange as that of a mild for a despotic government; and there is little room to doubt our obtaining the Moghul's sunnud (or grant) in confirmation thereof, provided we agreed to pay him the stipulated allotment out of the revenues, viz., fifty lacs annually. This has of late years been very ill paid, owing to the distractions in the heart of the Moghul Empire, which have disabled that Court from attending to their concerns in the distant provinces; and the Vizier has actually wrote to me desiring I would engage the Nabob to make the payments agreeable to the former usage; nay, further, application has been made to me from

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the Court of Delhi, to take charge of collecting this payment, the person entrusted with which is the next person both in dignity and power to the Subah. But this high office I have been compelled to decline for the present, as I am uuwilling to occassion any jealousy on the part of the Subah; especially as I see no likelihood of the Company's providing me with a sufficient force to support properly so considerable an employ and which would open a way for securing the Sahabship to ourselves. That this would be agreeable to the Moghul can scarcely be questioned, and it would be so much to his interest to have these countries, under the dominion of a nation famed for their good faith, rather than in the hands of people who, a long experience has shown him, never will pay him his proportion of the revenues unless awed into it by the fear of the Imperial army marching to force them thereto.

But so large a sovereignty may possibly be an object too extensive for a mercantile company; and it is to be feared they are not of themselves able, without the nation's assistance to obtain so wide a dominion. I have, therefore, presumed Sir, to represent this matter to you and submit it to your consideration, whether the execution of a design, that may hereafter be still carried to greater length, be worthy of the government taking it into hand. I flatter myself I have made it pretty clear to you, that there will be little or no difficulty in obtaining the absolute possession of these rich kingdoms and that with the Moghul's own consent, on condition of paying him less than a fifth of the revenues thereof. Now I leave you to judge whether income yearly of upwards of two millions sterling, with the possession of three provinces abounding in the most valuable production of nature and of art, be an object deserving the nation's attention, and whether it be worth the nation's while to take the proper measures to secure such an acquisition—an acquisition which, under the management of so able and disinterested a minister, would prove a source of immense wealth to the kingdom, and might in time be appropriated in part as a fund toward diminishing

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the heavy load of debt under which we at present labour. Add to these advantages the influence we shall thereby acquire over the several European nations engaged in the commerce here, which these could no longer carry on but through our indulgence, and under such limitations as we should think fit to prescribe. It is well worthy consideration, that this project may be brought about without draining the mother country as has been too much the case with our possessions in America. A small force from home will be sufficient, as we always make sure of any number we please of black troops, who being both much better paid and treated than by the country powers, will very readily enter into our service. . . .

The greatest part of the troops belonging to this establishment are now employed in an expedition against the French in the Deccan, and by accounts lately received from thence, I have great hopes we shall succeed in extirpating them from the province of Golconda, where they have reigned lords paramount so long, and from whence they have drawn their principal resources during the troubles upon the coast.

Notwithstanding the extraordinary effort made by the French in sending out M. Lally with a considerable force the last year, I am confident, before the end of this, they will be near their last gasp in the Carnatic, unless some very unforeseen event interpose in their favour. The superiority of our squadron, and the plenty of money and supplies of all kinds which our friends on the coast will be furnished with from this province, while the enemy are in total want of everything without any visible means of redress, are such advantages as if properly attended to cannot fail of wholly effecting their ruin in that as well as in every part of India. . . .

Your most devoted humble servant,

ROBT. CLIVE.

C.

A Criticism of the English policy in India. Joseph Price, 1783.

The first taste of fame and conquest, which the English

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officers enjoyed in India, happened on the coast of Coromandel, where the great Clive, and his able master in the art of war, Major-General Lawrence, made the English name terrible. This was soon after followed by the conquest of all the forts and harbours of the pirate Angria, on the Malaber coast. Yet we made conquests rather as auxiliaries, than as principals in the wars; for the Nabobs of Arcot enjoyed the advantages of the first, and the Poonah Mahrattas of the last. Some prize money was made, but no territory held, which produced anything further than some advantages in trade; and a few districts pawned or pledged to us, for certain sums advanced, the revenue of which was to reimburse the Company for the expenses of the war.

There has been something extremely singular in the whole conduct of the English government, with respect to Bengal. If ever the national banner was displayed in a just and honourable war, that with Surajah ul Dowlah was such; and by the law of nations, to retain conquests acquired in such a war, has hitherto been deemed lawful and right. But the English seem to have been terrified at the idea of their own success. They conquer a country in self-defence, which they hesitate to keep, and want resolution to give up. Create a Nabob, to whom they give a kingdom, and become themselves his pensioners; but finding their Nabob [unsatisfactory] they make him a pensioner in his turn, to his son-in-law, Cossim Ally Cawn; but soon after finding Cossim to be, [equally unsatisfactory] they wish his removal. Embarrassed by their own policy, they saw no remedy but again to accept the old Nabob, whom they had a second time set up. Meer Jaffier died, and they recognised their sovereign in his second son: and things were running on in the old absurd channel of a double government, when Lord Clive arrived, who reversed the system; instead of continuing the Company pensioners to the Nabob, he made the Nabob a pensioner to the Company. The power now was all their own; but they wanted to hide it from the world.

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This policy, I have heard, was dictated to Lord Clive by the *Ministry*, to avoid involving the nation in disputes with the other European powers whose subjects were settled in Bengal.

D.

Mr. Hastings in the *Memoir* which he published after his return to England, has given us a forcible and vivid description of the origin and growth of our power in India. He says, "the seed of this wonderful production, was sown by the hand of calamity. It was nourished by fortune, and cultivated and shaped by necessity. Its first existence was commercial; it obtained in its growth the sudden accession of military strength and territorial dominion to which its political adjunct was inevitable. It is useless to enquire whether the company or the nation has derived any substantial benefit from the change, since it is impossible to retrace the perilous and wonderful paths by which they have attained their present elevation, and to redescend to the humble and undreaded character of trading adventurers."

No one will doubt the truth of this description of the rise and actual condition of our Indian empire.

Malcolm.

E.

It is a remark too trite almost for repetition that the British Empire in India is the creation of circumstances; but like many similar remarks, it has become trite because incontrovertibly true. That empire owes its extent and grandeur to the ambition, not of those by whom it has been reared, but of their enemies. The main causes which had contributed to its growth up to the time of Clive, were the hostility of the French, the action of Shirajud-Dowlah, and the ambition of the Vizier. These had changed entirely the position and character of the Company's Government. Notwithstanding the instructions from home, which were invariably pacific, it had been found impossible to avoid war: the

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results placed at the feet of English merchants power and dominion which they never sought, but which they could not decline without sinking into abject weakness and contempt, and what would have been worse, without affording opportunity to European rivals to profit by their unreasonable and suicidal abandonment. In the language of Clive—to retract was impossible.

Thornton.

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V.

THE DEWANNY.

The Dewanny authority over the provinces of Bengal, Behar and Orissa, was conferred in perpetuity on the East India Company, by a firmaun or royal grant in August 1766. The Nawab of Bengal, Nujum-ool-Dowlah, had already, as the condition of his succeeding to the musnud, on the decease of his father Jaffier Khan, agreed to entrust the administration of the subahdarry to the management of a naib or deputy appointed by the advice of the Governor in Council. By a further agreement, dated 30th September 1765, the Nawab recognized the grant of the Dewanny to the company, and consented to accept a fixed stipend for the maintenance of himself and his household. Whatever further expense, within certain limits, might be found necessary for the support of the dignity of the Nizamut, was to be disbursed through the Deputy chosen by the English Government.

Fifth Report.

The way to render the gift of the Dewanny available had been previously prepared. Clive by representing to the Nabob the financial difficulties by which he was surrounded, had prevailed upon him to accept of an annual allowance of Fifty three lacs of Rupees for the support of his dignity and contingent expenses, leaving the remainder of the revenues to be disbursed by the English Government. The grant of the Emperor entitled the Company to any surplus that might remain after the stipulated payments were made; and they now lacked nothing of sovereignty but the name. The views under which Clive and his colleagues acted were thus expounded by themselves:—"The perpetual struggles for superiority between the Nabobs and your agents together with the recent proofs before us of notorious and avowed corruption, have rendered us unanimouly of opinion after the most mature deliberation that no other method could be suggested of laying the axe to the root of all these evils than that of obtaining the Dewanny of Bengal, Behar and Orissa for the Company." They observe further," "The experience of years has convinced us that a division of power is impossible without generating discontent and

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hazarding the whole. All must belong either to the company or to the Nabob, and we leave you to judge which alternative is the most desirable and the most expedient in the present circumstances of affairs. As to ourselves, we know of no system we could adopt that could less affect the Nabob's dignity, and at the same time secure the company against the fatal effects of future revolution, than this of the Dewany. The power is now lodged where it can only be lodged with safety to us.

Letter of Select Committee to Court of Directors, 30th September 1765.

GRANT OF THE DIWANI.

Firmaund from the King Shah Alum, granting the Dewanny of Bengal, Behar and Orissa to the Company, 1765.

At this happy time our royal Firmaund, indispensably requiring obedience, is issued, that whereas, in consideration of the attachment and services of the high and mighty, the noblest of exalted nobles, the chief of illustrious warriors, our faithful servants and sincere well-wishers, worthy of our royal favours, the English Company, we have granted them the Dewanny of the Provinces of Bengal, Behar, and Orissa, from the beginning of the Fussul Rubby of the Bengal year 1172, as a free gift and ultumgau, without the association of any other person, and with an exemption from the payment of the customs of the Dewanny, which used to be paid to the Court. It is requisite that the said Company engage to be security for the sum of twenty-six lakhs of Rupees a year for our royal revenue, which sum has been appointed from the Nabob Nudjum-ul-dowla Behadur and regularly remit the same to the royal Circar; and in this case, as the said Company are obliged to keep up a large Army for the protection of the Provinces of Bengal, &c., we have granted to them whatsoever may remain out of the revenues of the said Provinces after remitting the sum of twenty-six lakhs of Rupees to the royal Circar, and providing for the expenses of the

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Nizamut. It is requisite that our royal descendants, the Visiers, the bestowers of dignity, the Omrahs high in rank, the great officers, the Muttaseddes of the Dewanny, the managers of the business of the Sultanut, the Jaghirdars and Croories, as well the future as the present using their constant endeavours for the establishment of this our royal command, leave the said office in possession of the said Company, from generation to generation, for ever and ever. Looking upon them to be assured from dismission or removal, they must, on no account whatsoever, give them any interruption, and they must regard them as excused and exempted from the payment of all the customs of the Dewanny and royal demands. Knowing our orders on the subject to be most strict and positive, let them not deviate therefrom.

Written the 24th of Sophar, of the 6th year of the Jaloos, the 12th of August, 1765.

Contents of the Zimmun.

Agreeably to the paper which has received our Sign Manual, our royal commands are issued, that in consideration of the attachment and services of the high and mighty, the noblest of exalted nobles, the chief of illustrious warriors, our faithful servants and sincere well-wishers, worthy of our royal favours, the English Company, we have granted them the Dewanny of the Provinces of Bengal, Behar and Orissa, from the beginning of the Fussul Rubby of the Bengal year 1172, as free gift and ultumgau, without the association of any other person, and with an exemption from the customs of the Dewanny, which used to be paid to the Court, on condition of their being security for the sum of twenty-six lakhs of rupees a year for our royal revenue, which sum has been appointed from the Nabob Nudjum-ul-Dowla Behauder; and after remitting the royal revenue and providing for the expenses of the Nizamut, whatsoever may remain we have granted to the said Company:

The Dewanny of the Province of Bengal,

The Dewanny of the Province of Behar,

The Dewanny of the Province of Orissa.

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VI.

BENGAL IN 1772.

To the HON'BLE the Court of DIRECTORS for Affairs of the Hon'ble the United Company of Merchants of England trading to the East Indies. Dated Fort-William, the 3rd November 1772.

Revenue Department.

At a meeting of your Council of the 30th August, it was unanimously resolved to adopt the plan proposed by our President and members of the Committee of Circuit at Cossimbazaar, for removing the Seat of the Revenue Business to the Presidency, and for putting this important Branch of your affairs under the immediate management of yourGovernor and Council; in consequence of which we formed ourselves into a Board of Revenue the 13th ultimo. Since that time all affairs respecting the Collections or internal Government of the Provinces have been confined solely to this department, and we shall henceforth address you separately upon all matters which come under these Heads.

In order to give you a distinct idea of this subject, and to make it the more complete, we shall begin by recapitulating the most important measures that have been lately taken, and in which you have been in part advised in our former Letters.

In one letter by the Nottingham, you were informed of our intention of letting the lands throughout the provinces in farm, upon long and well-regulated Leases; and we are happy to reflect that such a material and principal mode of conducting the Collections, should coincide so entirely with your sentiments and orders on the subject. After the most serious and mature deliberation on this point, we determined, in our proceedings of the Committee of the Revenue of the 14th May, to establish a plan for settling the several districts upon

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this footing, and for the future government of your Collections. This being the Constitutional Ground-Work of all our subsequent measures, and of the system which we have since attempted to build upon it, we have thought it necessary, for your immediate attention, to transmit a copy of it as a Number in the Packet, with our reasons at large for adopting the Regulations therein laid down.

Before we proceed, further upon this subject, it may not be improper to premise some general Remarks on the State of the Province at this Juncture.

The effects of the dreadful Famine which visited these Provinces in the Year 1770, and raged during the whole course of that Year, have been regularly made known to you by our former advices, and to the public by laboured descriptions, in which every Circumstance of Fact, and every Art of Language, have been accumulated to raise Compassion, and to excite Indignation against your Servants, whose unhappy lot it was to be the witnesses and spectators of the sufferings of their fellow-creatures. But its influence on the Revenue has been yet unnoticed, and even unfelt, but by those from whom it is collected; for, notwithstanding the loss of at least one-third of the Inhabitants of the Province and the consequent decrease of the Cultivation, the nett collections of the year 1771 exceeded even those of 1768, as will appear from the following Abstract of Accounts of the Board of Revenue at Moorshedabad for the four last years:—

Bengal Year.		
1175 [1768-69].—Net Collections, ...		1,52,54,856 : 9 : 4 : 3
1176 [1769-70].—The year of dearth, which was productive of the Famine in the following year, ...		1,31,49,148 : 6 : 3 : 2
1177 [1770-71].—The year of the Famine and Mortality, ...		1,40,06,030 : 7 : 3 : 2
1178 [1771-72].	1,57,26,576 : 10 : 2 : 1	
Deduct the amount of deficiencies occasioned in the Revenue by unavoidable losses to Government, ...	3,92,915 : 11 : 12 : 3	1,53,33,660 : 14 : 9 : 2

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It was naturally to be expected that the diminution of the Revenue should have kept an equal pace with the other Consequences of so great a Calamity. That it did not, was owing to its being violently kept up to its former Standard. To ascertain all the means by which this was effected will not be easy. It is difficult to trace the Progress of the Collections through all its Intricate Channels, or even to comprehend all the Articles which compose the Revenue in its first operations. One Tax, however, we will endeavour to describe, as it may serve to account for the Equality which has been preserved in the past Collections, and to which it has principally contributed. It is called Najay, and it is an Asssessment upon the actual inhabitants of every Inferior Description of the Lands, to make up for the Loss sustained in the Rents of their neighbours who are either dead or have fled the Country. This Tax, though equally impolitic in its Institution and oppressive in the mode of exacting it, was authorised by the ancient and general usage of the Country. It had not the sanction of Government but took place as a matter of course. In ordinary cases, and while the Lands were in a state of cultivation, it was scarcely felt, and never or rarely complained of. However irreconcilable to strict Justice, it afforded a reparation to the State for occasional Deficiencies; it was a kind of Security against Desertion, by making the inhabitants thus mutually responsible for each other; and precluded the inferior Collector from availing himself of the Pretext of waste or Deserted Lands to withhold any part of his Collections. But the same Practice which at another Time and under different Circumstances would have been beneficial, became at this period an insupportable Burthen upon the inhabitants. The Tax not being levied by any Fixed Rate or Standard, fell heaviest upon the wretched Survivors of those Villages which had suffered the greatest Depopulation, and were of course the most entitled to the Lenity of Government. It had also the additional Evil attending it, in common with every other Variation from the regular

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Practice. that it afforded an opportunity to the Farmers and Shicdars to levy other Contributions on the People under color of it, and even to increase this to whatever magnitude they pleased, since they were in course the Judges of the Loss sustained, and of the Proportion which the Inhabitants were to pay to replace it.

Complaints against this Grievance were universal throughout the Province, and it was to be feared that the continuance of it would be so great a check to the Industry of the People, as to impoverish the Revenue in the last Degree, when their former savings by which it was supported were gone.

Though 7 Years had elapsed since the Company became possessed of the Dewanny, yet no regular Process had ever been formed for conducting the Business of the Revenue. Every Zemindaree and every Taluk was left to its own peculiar Customs. These indeed were not inviolably adhered to. The Novelty of the Business to those who were appointed to superintend it, the chicanery of the people whom they were obliged to employ as their agents, the accidental Exigencies of each District, and, not unfrequently, the just Discernment of the Collector, occasioned many changes. Every change added to the confusion which involved the whole, and few were either authorised or known by the presiding Members of the Government. The Articles which composed the Revenue—the Form of keeping Accounts, the Computation of time, even the Technical Terms, which ever form the greatest part of the obscurity of every science—differed as much as the soil and productions of the Province. This Confusion had its origin in the Nature of the Former Government. The Nazims exacted what they could from the Zemindars; and great Farmers of the Revenue, whom they left at Liberty to plunder all below them, reserving to themselves the prerogative of plundering them in their Turn, when they were supposed to have enriched themselves with the spoils of the Country. The Mutisiddees who stood between the Nazim and the

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Zemindars, or between them and the People, had each their respeetive shares of the public Wealth. These Profits were considered as illegal Embezzlements, and therefore were taken with every Precaution that could ensure secrecy : and being, consequently, fixed by no Rate, depended on the Temper, Abilities, or Power of each Individual for the Amoont- It therefcre became a duty in every man to take the most effectual measures to conceal the Value of his Property, and elude every Inquiry into his Conduct, while the Zemindars and other Landholders who had the Advantage Cof long Possession, availed themselves of it by complex Divisions of the Lands and intricate modes of Collection to perplex the Officers of the Government, and confine the knowledge of the Rents to themselves. It will easily be imagined that much of the Current Wealth stopped in its way to the public Treasury. It is rather Foreign from the purpose of this Exposition, but too apposite not to be remarked that it was fortunate such a system did prevail, since the Embezzlements which it covered preserved the Current Specie of the Country, and returned it into Circulation, while a great part of the Wealth received by the Government was expended in the Country, and but a small superfluity remained for the remittances to the Court of Delhee, where it was lost for ever to this province.

To the original Defects inherent in the Constitution of these Provinces, were added the unequal and unsettled Government of them, since, they became our property. A part of the Lands which were before in our possession, such as Burdwan, Midnapore, and Chittagong, continued subject to the authority of the Chiefs, who were immediately accountable to the Presidency. The 24 Pegunnahs, granted by the Treaty of Plassey to the Company, were theirs on a different Tenure, being their immediate property by the Exclusion of the Zemindars, or hereditary Proprietors : their rents were received by Agents appointed to each Pergunah, end remitted to the Collector, who resided in Calcutta.

The Rest of the Province was for some time entrusted to the

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joint-charge of the Naib Dewan and Resident of the Durbar, and afterwards to the Council of Revenue at Moorshedabad, and to the Supervisors who were accountable to that Council. The adminisration itself was totally excluded from a concern in the Branch of the Revenue.

The internal arrangement of each District varied no less than that of the whole Province. The Lands subjeet to the same Collector, and intermixed with each other, were some held by Farm, some superintended by Sicdars, or Agents on the part of the Collector, and some let to the Zemindars and Talucdars themselves, under various degreesof Controul. The First were racked without mercy, because the Leases were but of a Year's standing, and the Farmer had no interest or Check to restrain him from exacting more than the Land could bear. The second were equally drained, and the Rents embezzled, as it was not possible for the Collector, with the greatest degree of atention on his part, to detect or prevent it. The latter, it may be supposed, were not exempted from the general corruption. If they were, the other Lands which lay near them would suffer by the migration of their inhabitants, who would naturally seek Refuge from oppression in a milder and more equitable Government.

The Administration of Justice has so intimate a connection with the Revenue, that we cannot omit the mention of it, while we are treating of this subject in a general view, although we have already given our sentiments upon it at large in another place, to which we shall crave leave to refer. The Security of private property is the greatest Encouragement to Industry, on which the wealth of every State depends. The Limitation of the Powers annexed to the Magistracy, the Suppression of every Usurpation of them by private authority, and the Facilitating of the access to Justice, were the only means by which such a Security could be obtained. But this was impossible under the circumstances which had hitherto prevailed. While the Nizamut and the Dewannee were in different Hands, and all the Rights

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of the Former were admitted, the Courts of Justice which were the sole Province of the Nazim, though constituted for the general Relief of the Subjects, could receive the Reformation. The Court and Officers of the Nizamut were continued, but their Efficacy was destroyed by the Ruling Influence of the Dewaunee, The Regular Course of Justice was everywhere suspended; but every man exercised it who had the Power of compelling others to submit to his Decisions. The people were oppressed; they were discouraged, and disabled from improving the culture of their Lands; and in proportion as they had the demands of Individuals to gratify, they were prevented from discharging what was legally due to Government.

Such was the State of the Revenue, when your Commands were received by the Lapwing, and happily removed the difficulties which had hitherto opposed the Introduction of a more perfect System, by abolishing the Office of Naib Dewan, and authorising your administration to assume openly the Management of the Dewannee in your Name, without any Foreign Intervention.

In the Execution of these your Intentions, the points which claimed our principal attention, as will appear from the above Description, were to render the Accounts of the Revenue simple and intelligible, to establish Fixed Rates for the Collections, to make the Mode of them uniform in all parts of the Province, and to provide for an equal administration of Justice. In the steps which we have already taken, we have laboured to obtain these ends; with what Success will be seen hereafter.

The Regulations which we have before mentioned being completed, and the Committee of Circuit appointed, consisting (as we mentioned in our last) of the Governor, Messrs. Middleton, Dacres, Lawrell, and Graham. We published our Intention of Farming all the Lands of the Province of Bengal, on Leases of Five Years, and invited all Persons to make Proposals.

The Committee first proceeded to Kishennaggur, and there entered on the Settlement of the District of Nuddea. The

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Proposals which were delivered to them were expressed in so vague and uncertain a manner, and differed so widely from each other in Form, that it was impossible to make a comparison, or to ascertain the Proportional Amount of each : and the few only that were intelligible, contained very low and disadvantageous Terms. The Committee were therefore of opinion that these Offers shou'd be rejected, and that the Lands shou'd be put up at Public Auction, tho' contrary to the original Intention.

To remove all obstacles that might present themselves, from an uncertainty in the Bidders with respect to the more Minute Articles of the Collections, and the Grounds on which the Settlement was to be established between the Farmer and Cultivator, the Committee found it indispensably necessary before the Sale began, to form an entirely new Hustabood, or Explanation of the diverse and complex articles which were to compose the Collections. These consisted of the Assall or Original Ground Rent, and a variety of Taxes called Aboabs, which had been indiscriminately levied at different periods by the Government, the Zemindars, Farmers, and even by the inferior Collectors. One of these Aboabs we have explained above ; many of them are incapable of any Explanation.

After the Committee had made a thorough Investigation of the above articles of the Revenue, they proposed to deduct such as appeared most oppressive to the Inhabitants, or of a late Establishment, at the same time reserving those which were of long standing, and had been cheerfully (*sic*) submitted to by the Ryotts, these being in fact a considerable part of the Neat Rents. Among the former were the Duties arbitrarily levied by the Zemindars and Farmers upon all Goods and Necessaries of Life passing by water thro' the interior part of the country. The Bazee Jumma, or Fines for petty crimes and misdemeanours, were also, agreeably to the humane and equitable spirit of your Orders, totally abolished, as well as the Haldarry, or Tax upon Marriage, which yielded a trifling Revenue to the Government, was very injurious to the State,

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and could tend only to the discouragement and decrease of Population,—an object at all times of general Importance, but more especially at this Period, from the great Loss of Inhabitants which the country has sustained by the late Famine, and the mortality which attended it. These several Deductions in favonr of the Natives, altho' the immediate cause of decreasing the Rent Roll, will doubtless in time be productive of the most salutary effects, as they tend to encourage the Manufactures and Trade of the country, to retrieve the loss of Inhabitants, to free the People from vexatious prosecutions, and by promoting the general Ease of the country, virtually to support and improve its Revenue.

In order to secure the Inhabitants in the quiet Possession of the lands whilst they held them on terms of cultivation, and to prevent such Exactions as aforementioned in future, the Committee formed new Amulnamas or Leases, in which the claims upon the Ryotts were precisely and distinctly ascertained, and the Farmers restricted from making any further Demands, under the severest Penalties. To this end, and to prevent the Farmers from eluding this restriction, they were ordered to grant new Pottahs, or Deeds, to the Ryotts, the Form of which was drawn out by the Committee and made public specifying the conditions on which they were to hold their Lands, the separate Heads or Articles of the Rents: and every encouragement was contained in them to cultivate the waste ground on a moderate and increasing Rent.

Another principal Object with the Committee was to reduce the Charges of Collection as low as possible, from a conviction that the retrenchment of improper and unneccessary Expenses opens a source of Increase of Revenue the most eligible, because the most consistent with the case of the Inhabitants, For this purpose We have formed an uniform and regular Establishment, for all the necessary Charges to be incurred in the Cutcherries oft he several Districts, under positive Restrictions that they shall not be exceeded without our being previously advised. This, We doubt not, will prove a great saving to the

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Hon'ble Company, as it will be the effectual means of preventing in future all superfluous and unnecessary Disbursements. And We think we may venture to promise that this Article will be duly attended to, as it will be almost the only Care of the Auditor to prevent every Deviation from it, in the Accounts which are to pass his Inspection.

After these previous steps were resolved on, the Lands of Kishenagur were put up to Public Auction, and a Final Settlement was made for Five Years, on an accumulating Increase, for the Particulars of which we must beg leave to offer you to the proceedings of the Committee, which are now transmitted.

During the course of the sale at Kishennagur, the Rajah of that place gave in proposals for farming the whole District, which leads us to the following general observations on the Subject of Zemindars and Talookdars in the Province of Bengal.

Where it can be done with propriety, the entrusting the Collections of the Districts to the Hereditary Zemindars wou'd be a measure we shou'd be very willing to adopt, as we believe that the People would be treated with more tenderness, the Rents more improved, and the Cultivation more likely to be encouraged, the Zemindar less liable to failnre or deficiencies than the Farmer, from the perpetual Interest which the former hath in the country, and because his Inheritance cannot be removed, and it would be improbable he would risk the loss of it by eloping from his District, which is too frequently practised by a Farmer when he is hard pressed for the Payment of his Ballances, and is frequently predetermined when he receives his Farm.

With respect to the Talookdarrys and inconsiderable Zemindarrys, which formed a part of the Huzzoor Zilahs or Districts which paid their rents immediately to the General Cutcherry at Moorshedabad, as well as many others of the same kind in different parts of Bengal; all arguments have been weighed, whether in favour of the just Claim Government has upon their Lands for a Revenue adequate to their real Value,

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or of the Zemindars and Talookdars in support of their Rights and Priviledges, grounded upon the Possession of Regular Grants, a long series of family Succession, and fair purchase. These being duly considered, there occurred to us only the two following Modes which could be pursued in making their settlement. The First was to lett (*sic*) the Lands to Farm: to put the Renters in entire Possession and Authority over them, oblidging them to pay each Zemindar or Talookdar a certain allowance or percentage for the subsistence of himself and family, The second was to settle with the Zemindars themselves on the footing of Farmers, obliging them first to enter into all the Conditions of a Farmer's Lease; Secondly, to pay the same Revenue that could be expected from Farmers; Thirdly, to give responsible securities: and Fourthly, to admit a reserve in favour of Government for making, during the course of their actual Lease, an exact Hustabood (Valuation from Accounts), or a Measurement of their Possessions, in order to ascertain their true Value at a future settlement, shou'd the present Accounts be found to be fallacious, or concealments suspected. We have allowed a degree of weight to the arguments of the Zemindars and Talookdars in favour of their plea of Right, which, by adopting the first mode of settlement, wou'd doubtless be exposed to Risk; for as the Authority given to the Farmers wou'd reduce the present Incumbents to the level of mere Pensioners, and greatly weaken their claims as Proprietors, so in the course of a few long Leases, their Rights and Titles might, from the designs of the Farmers to establish themselves in their Estates, the death of old Inheritors, and the succession of Minors be involved in such obscurity, doubt, and controversy, as to deprive them totally of their Inheritance. To expose the Zemindars and Talookdars to this risk, is neither consistent with our Notions of Equity, nor with your orders, which direct, 'that we do not by any sudden change alter the constitution, nor deprive the Zemindars, etc., of their antient privileges and Immunities.'

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Another argument, drawn from the conduct naturally to be expected from the Zemindars and Talookdars, weighed strongly with us, and proves an objection to adopting the first Mode. From a long continuance of the Lands in their Families, it is to be concluded they have rivetted an authority in the District, acquired an Ascendency over the Minds of the Ryotts, and ingratiated their affections. From Causes like these, if entire Deprivation were to take place, there could not be expected less Material Effects than all the Evils of a divided Authority, prejudicial to the Revenue, and Desertion and Desolation of the Lands. Whereas from continuing the Lands under the Management of those who have a natural and perpetual Interest in their Prosperity provided their Value is not of too great an amount, solid Advantages may be expected to accrue. Every consideration then sways us, where it can be done with the prospect of the advantage before mentioned, to adopt the second mode in settling with the Inferior Zemindars and Talookdars. First, an equivalent Revenue may be thereby obtained, with security for its punctual Payment. Secondly, the converting them into Farmers establishes the Government's right of putting their Lands on that Footing, whenever they shall think proper; the Awe of which must constantly operate to secure their good behaviour and good Management. Thirdly, the Clause of Security, to which they are subjected, will also have the same Tendency, at the same time that it may be strictly put in force where there is cause to suspect Concealments, or a prospect presents of Increase to the Revenue.

Agreeably to these Ideas, the Committee at Kishennagur exempted the several Talooks in that District from the Public Sale, as the Possessors engaged to abide by such a Settlement as should be deemed equivalent and just; and an exact valuation was accordingly made of their Lands. It was, however, found that the Terms offered by the Zemindar of Kishennagur, as before mentioned, were not equivalent to the expectations the Committee had reason to entertain from the

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Public Auction of the separate Farms, and the Faith of Government having already been engaged to such Farmers whose offers had been formally accepted. For these Reasons, joined with the well-known subtle and faithless character of the Zemindar, it was determined to reject his proposals, and to give the Preference to the offer of the Farmers, which were more advantageous to Government.

The Settlement of Kishennagur being concluded, a fixed Dewan was chosen by the Committee to be joined with the Collector in the Superintendency of the Revenues, Conformably to our Established Regulations before referred to; and instructions were accordingly given him for his guidance.

We have been thus explicit in relating the Transactions at Kishennagur, both as these will serve to point out the various effects of our previous Determinations, as well as the Motives which gave Occasion to those which were superadded by the Committee, from local or general Observation, and to convey an Idea of the Plan on which the settlement of the whole Province will be formed, of which that of Kishennagur may be regarded as the Model.

From Kishennagur the Committee proceeded to Cossimbazar, and arrived there the beginning of July. One of their first objects was the regulating the Nabob's Household and Stipend, and the appointing of the necessary Officers for the Management of his Affairs. But as these Matters will be fully discussed in our Letter from the General Department, We shall confine this Address solely to the current Business of the Revenue.

The Province of Radshahy and the Huzzoor Zilahs were taken next into Consideration, and the same Regulations established previous to their Settlement, as at Kishennagur. Public Advertisements being made for receiving Proposals for forming the different Purgunnahs in Radshahy, and a proper time limited for their delivery, the terms given in for the whole of the Western Division were examined, and the offers of the

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Farmers and Zemindar accurately compared. Those of the latter were found more advantageous to Government. A settlement for five years was accordingly concluded with the Ranny Bowanny, the Zemindar of that District, whose Substance, Credit, and Character rendered the Conditions of her Offer the more desirable, especially as she consented to the Committee's Plan of sub-dividing the Lands into fourteen Lots of Farms and engaged to deposit the Farmer's Cabooleats or Agreements as a Collateral Security with her own, for the punctual-Payment of her Rents. No other Proposals being given in for the Eastern Division of Radshahy, it was in like manner farmed to the zemindar, whose Knowledge of, and long-established Reputation in, the Country enabled her to make more advantageous Offers for this also than any other person; and We doubt not that We shall realize the whole of the Revenue from these important and extensive Districts, which will receive an additional Advantage, besides a Reduction of the Expence of the Collections, in being thus united under the hereditary and ancient Proprietor.

For the particular Reasons and Arguments urged in our several Proceedings, and which will be farther treated on in our Letter from the other Department, you will observe that We have found it expedient to annex to Mr. Middleton's Appointment of Resident of the Durbar and Chief of Cossimbazar, the Superintendency of the Collection of Radshahy, in the conducting of which, the whole being put under the immediate Management of the Zemindar, his only care as Collector will be to receive the monthly Kists as they may become due, to attend to the Complaints and Representations of the Ryotts, and to see that the Regulations which have been made are duly adhered to.

The Huzzoor Zillah, and the inferior Zemindaries and Talookdaries bordering on Moorshedabad and Rajshahy, were also settled on the same Plan; a Preference being always given to the Offers of the Hereditary Possessors as before observed. But as it would take up too much of your Time to descend

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to a minute Detail of these numerous Settlements, we must take the Liberty of referring you to the Proceedings of the late Committee of Circuit. You will therein notice that we have appointed five additional Collectors to superintend the Revenue of those Districts. It was with some reluctance we found ourselves under the necessity of increasing the Number of these Appointments. They were rendered unavoidable by the Intricacy of those parts of the Huzzoor Zilahs, which have been thus distributed amongst them; but We hope that the Liberty which we have given to the Farmers, who may be so disposed, to pay their Rents immediately to the Sudder or Head Cutcherry, will in time enable us to reduce this Establishment.

In the Intervals of Public Business, the Committee were employed in deliberating on the steps referred to them, which were proper to be taken for carrying into Execution your late Orders by the Lapwing, where you declare your Intention of Standing forth as Dewan of the Agency of the Company's Servants, to assume the 'entire Management of the Revenues,' leaving it to us to plan and execute this important Work, 'by adopting such Regulations, and pursuing such Measures, as should at once insure to the Company every possible Advantage.'

The first Consideration was whether the Board of Revenue at Moorshedabad should be abolished, and the Business of the Collections in all its Branches, put under the management of the Members of your Administration at the Presidency; and after allowing due Weight to every Argument that occurred, We agreed unanimously with the Committee in the Necessity of this last Measure, which has accordingly been since carried into Execution. We take the Liberty of laying before you the Grounds, upon which we have ventured to make this alteration, in the flattering hopes that it will meet with your approval.

As the Administration of Justice, and the Collection of the Revenue, are by far the most important object of Government, they certainly claim the first Attention of your President and Council, especially at a time when so many weighty

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matters, intimately connected with them, are entrusted by you to our Investigation and Judgment, and when the State of the Country requires timely, well-digested, and spirited Measures. While the Controuling and Executive Part of the Revenue, and the correspondence with the Collectors, was carried by a Council at Moorshedabud, the Members of your Administration had not an opportunity of acquiring that thorough and comprehensive knowledge of the Revenue, which can only result from practical Experience. But as your late orders tend to establish a new System, enjoin many new Regulations and Enquiries which could not properly be delegated to Subordinate Council, it became absolutely necessary that the Business of the Revenue should be conducted under our immediate Observation and Direction.

This change, we trust will afford great Relief to the Inhabitants of the Provinces, in opening to them a more ready Access to Justice, insomuch that appeals from the Decisions of the Inferior Courts may now be made directly to the Presidency, whereas formerly they were first transmitted to the Council at Moorshedabad, and from thence an Appeal lay to Us.

Another good Consequence will be the great Increase of Inhabitants, and of Wealth in Calcutta, which will not only add to the Consumption of our most valuable Manufactures imported from home, but will be the means of conveying to the Natives a more intimate Knowledge of our Customs and Manners, and of conciliating them to our Policy and Government.

Besides the Reasons above urged for the Dissolution of the Council at Moorshedabad, We must beg leave to add this farther Argument, in reply to the objection which may possibly be made to it as repugnant to your Commands of the 30th June 1769. We now conceive them, however to be superseded by your later Orders and the Discretionary Power you have given us in your letter by the Lapwing. Nevertheless, we should have thought ourselves indispensably bound to have

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adhered to the Spirit of them so far as they could be made to coincide with the new System of the Dewanny, but we found them totally subverted by it.

While Moorshedabad remained the Seat of your Collections, every consideration required the establishment of a Council to Superintend them as it was a trust every way too great for an individual. On these grounds alone we presumed your Orders for forming such Councils at Moorshedabad and Patna were framed. But when the office of Naib Dawan was abolished, and you had declared your Resolution to place the Collections under the immediate charge of your own Servants, there remained no Reason for continuing that Department of the Revenue at such a distance from the Observation of your Governor and Council; and the Removal of the Collection to the Presidency, as it left no Business for an inferior Council, of course rendered their continuance, and the charges attending such an establishment, needless. We will indulge ourselves, therefore, with another Hope, that an annual saving of some Lacks of Rupees will be derived from this alteration, altho' We are well aware of the expence and Inconvenience which ever attends Innovations of all kinds on their first Institution.

As the Reasons for the Removal of Khalsa are treated on very largely in the Proceedings of the Committee of Circuit of 28th July, and contain many Observations on the Nature of the Revenue in General, which are too voluminous to be inserted in the Body of the Letter, we wish to recommend these to your particular attention.

The Plan which we have formed for conducting the Business of the Khalsa, or Superior Office of the Collections, will go a Number in the Packet.

The more regular Administration of Justice was also deliberated on by the Committee of Circuit, and a Plan was formed by them which afterwards met with our Approbation. We cannot give you a better Idea of the Grounds on which

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this was framed, than by referring you to a Copy of it, together with a Letter from the Committee to the Board on the Occasion, both of which make Numbers in this Packet; and we earnestly recommend them to your Perusal, requesting to be assisted with such further Orders and Instructions thereon as they may require for completing the system, which we have thus endeavoured to establish on the most equitable, solid, and permanent footing. We hope they will be read with that Indulgence which We are humbly of Opinion is due to a Work of this kind, undertaken on the plain Principles of Experience and common Observation, without the advantages which an intimate Knowledge of the Theory of Law might have afforded us. We have endeavoured to adapt our Regulations to the Manners and Understanding of the People, and Exigencies of the Country, adhering, as closely as We were able, to their Antient Usages and Institutions. It will be still a Work of some Months, We fear, before they can be thoroughly established throughout the Provinces; but We shall think our Labors amply recompensed if they meet with your Approbation, and are productive of the good Effects we had in view.

Our President returned to Calcutta about the middle of September. Mr. Middleton remained at Moorshedabad to take charge of his Appointments, and the other three Members of the Committee of Circuit proceeded to Dacca, where they are now employed in making the Settlement of that Province and the adjacent Districts, after which they will continue their Tour to the remaining Divisions on the Eastern Side of Bengal; and We hope to transmit the further Particulars of their Proceedings by one of the Ships of this Season, together with a Complete Statement of your Revenue for the following five Years.

Besides the General Plan before mentioned for regulating the New System of conducting the Revenues, and the several other Points therein referred to, the Committee of Revenue at the Presidency, composed of the remaining Members of your Council, were employed in preparing the Settlements of the

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Districts of Hougly, Midnapoor, Beerbhom, Jessore, and the Calcutta Lands. These together with the Districts allotted to the Committee of Circuit, complete the whole of Bengal excepting Burdwan where the Lands are already let in Farm, on Leases of five years, which do not expire till the end of the Bengal year 1182 (A.D. 1775).

In consequence of the Public Advertisement for making the Settlement of Hougly, a number of Proposals for farming the Lands were delivered in; and after an exact scrutiny was made into them, those which appeared to be the most advantageous to Government were accepted. It was originally intended to have lett them in small Farms; but the Offers for large Lots being much higher than the others, We were tempted to prefer them. There were likewise many Talookdarries and petty Zemindarries in this District, the Possessors of which represented to us the Length of Time they had held their Lands, and the wretched condition they would be reduced to were they now to be deprived of them. As they engaged to pay to Government an increased Rent in proportion to their value, We were induced by the same Motives as actuated the Committee of circuit in similar instances to continue to them their hereditary possession. In one or two of the Purgunnas some Deductions were found necessary to be made, on account of the particular degree in which they had suffered by the late Famine; but a favourable increase being added to the other Purgannas, We have reason to be satisfied with the good success which has attended the Settlement of Houghly and its Dependancies.

The Settlement of Beerbhoom, Bissenpoor, and Pacheat has also been effected upon an increasing Revenue, on a Plan similar to the other Farmed Lands.

The Districts of Jessore and Mahomed Shahy are Settled on Terms advantageous to Government, as appears by the Accounts delivered in by Mr. Lane, a Member of our Board, who was departed to accomplish that Business; and a full

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Representation of his proceedings is recorded on (*sic*) our Consultation of the 10th of August.

By the Proceedings it appears that the Calcutta Lands have been completely farmed; but as some of the Farmers have flown off from their Engagements and absconded, and the Execution of the Title Deeds with the rest is delayed, We have hitherto been prevented from finally adjusting this Business. We shall therefore defer transmitting a further Statement of these Lands till the next Ship, as well as that of Midnapoor, the settlement of which is now in great forwardness.

In pursuance of your positive Injunctions, We have been endeavouring for some time past to collect the fullest Information concerning the Salt Business in Bengal, that we may be enabled to form such Regulations as shall appear the best calculated for securing the Duties of Government upon that article, and for the general Benefit of the Trade. For our Proceedings in these Matters, so far as we have hitherto been able to effect, we refer you to the Consultations now transmitted, and particularly to that of the 7th October. And as this subject is one of the first that will fall under our Consideration, We expect in our next Advices to furnish you with a Complete State of it.

The Hougly disputed Ballances of Salt, which have been a Matter of Contention and Difficulty for these two years past, We have at length happily adjusted, as recorded in our Proceedings of the 1st of October.

The Bukshbunder or Customs at Hougly, as well as those of the Pachetra at Moorshedabad, have not been lett to farm, but to continue to be collected by the Officers of Government, in order that no Obstacles may occur in New-modelling this Source of your Revenue agreeably to your Instructions. At present we wait for Advices and further Lights from the Committee of Circuit at Dacca concerning the Shawbunder, or Head Custom House, in that District. Being furnished with

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these, We shall proceed to form one general and uniform Plan for the Collection of Duties, which will be duly transmitted for your Information.

The humane Attention shown in your Commands of the 30th June 1769, and recommended in many of your Letters since that Date, to the Rights of the Zemindars who have inherited Lands from their Ancestors, encourages us to solicit your Compassion for the antient Proprietors of the Twenty-four Purgannas, or Calcutta Lands, which became the Company's Zemindarry by the Treaty of Plassey, and from which they were consequently dispossessed. A small Part of their Lands were before that Time united with the Zemindarries of Burdwan and Nuddea, whose Zemindars are amply provided for. The other Zemindars and Taalindars (*sic*) have continued since that Time in a State of extreme Indigence. Some of them have large families to maintain. Ith as been the usual Rule of the Mogul Government, when any Zemindar was divested of authority, to allow him a Substance out of the Rents of his Zemindarrie proportioned to the annual income of it. This proportion commonly amounted to One Tenth. We would not recommend so large an Allowance fer these people. We are persuaded that they will be contented with a much more moderate income, and receive it with Gratitude. As this Indulgence has been extended to all the other Zemindars in both the Provinces since they were placed under your Government, We have judged that this Representation of the Case of those who alone have been excluded from it would not be unacceptable to you.

As the Settlement of the Province of Baher had been made for a Term of Years, and therefore did not require any immediate Alteration, We shall wait to finish the whole of our Regulations in Bengal before we attempt any Innovatian in that Province. The only point on which We think we can give you any previous Intimation of our future Proceedings in those Parts is, that we deem proper to unite the Collections with those of Bengal, and establish the same Regulations in

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both Provinces, as soon as We can do it with convenience, and without adding to our present Embarrassments.

In the Proceedings of our Committee of Revenue of the 10th May is recorded the Particulars of a Dispute which subsisted between the late Council of Revenue at Moorshedabad and the Supervisor of Dinagepore, Mr. Henry Cottreil, the Consequence of which was the recalling the latter from his Appointment. The several Arguments urged against his Conduct by the Council of Revenue at Moorshedabad, as well as his Letter in Vindication of himself, appear fully in the above Proceedings; and we must beg leave to refer you to them, that you may form such a Judgement of this Affair as your Candor and Justice may point out. We are, with great Respect, Hon'ble Sirs, Your most faithful humble Servants,

(Signed)

WARREN HASTINGS.
R. BARKER.
W. ALDERSEY.
THOMAS LANE.
RICHD. BARWELL.
JAMES HARRIS.
H. GOODWIN.

FORT-WILLIAM, *the 3rd November 1772.*

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VII.

THE REGULATING ACT OF 1773.

A.

In 1773 the Company petitioned government for pecuniary aid, which was granted; but the inquiry that the House of commons made upon this occasion into their affairs, was followed by an act of the legislature, which made many important changes in their government both at home and abroad. The principal of these were,—

Ist. That the Court of directors should in future instead of being chosen annually, be elected for four years; six members annually; but none to hold their seat for longer than four years.

2nd. That the qualificationstock should be 1000*l* instead of 500*l*: that 3000*l*. should confer two votes: and 6000l. three votes.

3d. That in lieu of the Mayor's court, the jurisdiction of which was limited to small mercantile causes, a supreme court of judicature consisting of a chief judge and three puisne judges, should be appointed by the crown, with great and extended powers of cognizance over the civil and criminal jurisdiction of the subjects of England, their servants and dependants, residing within the company's territories in Bengal.

4th. A Governor-General and four counsellors were appointed to Fort William, and vested with full powers over the other presidencies. When any differences should occur, the opinion of the majority was to be decisive; and this board was directed by the act to transmit regular reports of its proceedings to the directors, who were, within fourteen days of the receipt of their despatches, to furnish copies of them to one of His Majesty's secretaries of state, to whom they were also to send copies of any rules and ordinations which they

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should have made : and these, if disapproved by His Majesty, were to become null and void.

This act appointed Warren Hastings, Esquire, Governor-General of India; and John Clavering, Esquire, the Honourable George Monson, Richard Barwell, and Philip Francis, Esquires, the four first counsellors.

B.

The act of 1773 made the East India Company more dependant than before upon the King's ministers. Mr. Hastings was nominated Governor-General, but in the same commission three gentlemen were appointed to council, who had learned the lessons on Indian Government in England, and whose views were in direct opposition to his upon almost every point. The consequence was, that the administration passed into their hands as the majority in council, and remained with them, till the death of General Clavering restored the preponderance to the appointed head of the Government. The effect of such a state of affairs may be imagined. The spirit of discord which prevailed at the council board spread throughout every branch of the service, and the natives of India saw in our divisions a source of weakness from which they argued our downfall.

Malcolm.

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i.

To JOSIAS DUPRE, Esq.

Fort William, 9th March 1773.

Our own provinces have worn something of a warlike appearance this year, having been infested by bands of Senassies, who have defeated two small parties of pergunnah sepoys (a rascally corps), and cut off the two officers who commanded them. One was Captain Thomas, whom you knew. Four battalions of the brigade sepoys are now in pursuit of them, but they will not stand an engagement, and have neither camp equipage, nor even clothes, to retard their flight. Yet I hope we shall yet make an example of some of them, as they are shut in by the rivers, which they cannot pass when closely pursued.

The history of this people is curious. They inhabit, or rather possess, the country lying south of the hills of Tibet from Cabul to China. They go mostly naked. They have neither towns, houses, nor families, but rove continually from place to place, recruiting their numbers with the healthiest children they can steal in the countries through which they pass. Thus they are the stoutest and most active men in India. Many are merchants. They are all pilgrims, and held by all castes of Gentoos in great veneration. This infatuation prevents our obtaining any intelligence of their motions, or aid from the country against them, notwithstanding very rigid orders which have been published for these purposes, insomuch that they often appear in the heart of the province as if they dropped from heaven. They are hardy, bold, and enthusiastic to a degree surpassing credit. Such are the Senassies, the Gipsies of Hindostan. We have dissolved all the pergunnah sepoys and fixed stations of the brigade sepoys on our frontiers, which are to be employed only in the defence of the provinces, and to be relieved every three months. This, I hope, will secure the peace of the country against future irruptions, and as they are no longer to be employed in the

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collections, the people will be freed from the oppressions of our own plunderers.

A plan is on foot for the establishment of a bank in Calcutta for the purpose of bringing the collections by bills to the presidency, and affording individuals the same means of making remittances to the awrungs, or markets of the country, for trade. The scheme is formed, and waits only for fit persons to execute it.

A plan has been formed and completed for collecting the public customs. It is simple, calculated for the freedom of trade, and liable to no abuses. All the petty chokeys of the country are withdrawn, and the distinction of the dustuck, which (amoug other objections) pointed out to the rogues in office what boats they were to pass unmolested and what they might plunder with impunity, is abolished. The duty is fixed to 2½ per cent; the prices of every article fixed and made public, and the duty paid; the goods pass unmolested to the extremities of the province. I have hopes of being able to effect another reformation, which will also contribute much to the freedom of trade by recalling all the gomastahs, and providing the investment by Dadney contracts, or ready money purchases; to declare the weavers free to work for whom they will, and to support them in that freedom. Different circumtances require different and often opposite measures. The company and their collectors and chiefs of factories are the only merchants of the country; they force advances of money on the weavers, and compel them to give cloths in return at an arbitrary valuation, which is often no more than the cost of materials, so that the poor weaver only lives by running in debt to his employers, and thus becomes their slave for life. The collectors trade with the money which they get in the districts, which affects the circulation as well as commerce of the country. By the mode proposed the investment will be dearer, but the trade of the country will be restored, and indeed this country has wonderful resources for it. The remittances of the revenue will flow back in circulation, and in their customs

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or collections the Company will obtain an ample compensation for the difference which it will make in the price of their cloths. If they do not, they can better afford to pay dear for them than the Dutch or French can.

I have some thoughts of making another excursion for the purpose of obtaining a meeting with the Vizier, who has also expressed his wish more than once for an interview. Hitherto he has been entirely managed by the military, who have contrived to keep him so weak that his alliance is of no manner of use to us, but obliges us on every alarm to send our army to prevent his being overpowered by his enemies, which has been usually done at the Company's expense, little being required for reimbursement, and that little paid after long delays. I wish to establish a new and more rational alliance between him and the Company, and more creditable to both, and to establish his dependence on the Government instead of the military influence which has hitherto ruled him. In this design I am assured of the most hearty support of the Council.

It is scarcely worth mentioning that we have been lately engaged in a kind of Polligar war with the inhabitants of Bhutan, for the recovery of Cooch-Behar, which lies between their mountains and Rungpore, and has been for some years in their possession. We have fought and defeated them in two desperate engagements, and we have possession of the country, but they appear resolutely bent on retrieving their misfortunes, and will give us much trouble, being a sturdy, intrepid race of people. In a late engagement with a detachment of 226 sepoys, which lasted from 2 in the morning till 7, and in which they were the assailants, 200 of them were killed on the spot. We have a battalion on this side commanded by a very good officer; it will be reinforced by another; the country is equal in fertility and cultivation to any in Bengal, and I have no doubt of the revenue repaying our charges at least. I hope more from the possession of it, besides that it will complete our boundary, and confine these hardy neighbours to their own hills.

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ii.

TO LAURENCE SULIVAN, Esq.

Fort William, 20th March, 1774.

The inquiry into the conduct of Mahommed Reza Cawn is closed and referred to the Court of Directors for their judgment, which it is probable will acquit him of every charge against him. In the meantime we have released him on his giving an obligation that he will not leave the province without leave of the Board, and he has chosen Calcutta for his residence. I in my conscience acquit him making a trade of grain in the famine but, of the charges of embezzlement, had he been an hundred fold guilty, it would have been impossible at this distance of time to have proved it against him. I mean in the revenue. The account of the Nizamut were in the hands of Rajah Goordass, Nundcomar's son, whom I must suppose capable of producing the most authentic proofs, if any exist, of the Naib's misapplication of the money entrusted to him for the Nabob's use. These ten months past I have been urging the old man, his son and the Begum for these accounts, in person, by letter and by the means of the resident, Mr. Middleton. They have been at length sent and contain nothing. A charge has since followed of 262,000 rupees, said to be embezzled in the article of exchange. This was produced by Goordass. It was delivered to Mahommed Reza Cawn, and he immediately avowed the fact, *i.e.*, that such a perquisite did formerly exist, and was the property of the treasurers, but was converted to a fund for the payment of sundry religious and gratuitous expenses of the Nabab's household, by the advice and with the concurrence of Mr. Sykes and he has shown by an account in what manner it was disposed of. Here the affair rests, concluded, so far as it respects Mahommed Reza Cawn, but I expect not to escape censure in my own person for having brought it to so quiet and unimportant an issue. Whatever disappointment this may prove to the expectation of many, I have the conscious

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reflection of having acted with the strictest integrity, equally rejecting every proposition, both of his foes and his friends, that I could not reconcile to justice. I have taken every measure, by proclamation, protection, and personal access to encourage evidences against him, and have given many valuable hours, and holidays, of my time to the multiplied but indefinite accounts and suggestions of Nundcomar. I presided in every examination one only day excepted and was myself the examiner and interpreter in each. The proceedings will show with what wretched materials I was furnished.

Huzzoosymul, to whom I was also referred for information upon the subject of the monopoly of grain, after much timid hesitation, declared he could give me none. He is as upright and conscientious a man as any I know, but he was either deceived by the clamours of the multitude, or he feared to obtain the hated character of an informer if he revealed what he knew.

Mahommed Reza Cawn has produced the attestations of above 200 persons, mostly of credit, in vindication of his conduct during the famine. His adversary has produced a similar paper of attestations against him, signed indeed by fewer names, and those little known. Neither merit the smallest consideration. No honest man in this country would have set his hand to the latter, though he believed it to be true. Few would have had the heart to refuse signing the former, although he believed it to be false. We have at length finished the regulation of our military expenses, and almost completed that of the civil. The reduction in both will be great, provided we are allowed a fair and uninterrupted progress in establishing and confirming that part of it which requires time to accomplish, that is, provided we have no new systems to form, no supernumerary servants to maintain, nor the extravagant wants of China, Fort St. George, Bombay, and Balambangan, to supply by an accumulation of our bonded debt. A great saving will be immediately made. The computed reduction of the civil expenses makes a difference

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of twenty-five lacs, and in the military forty. But something there will run out of the former, and if we can save twenty in the latter I shall consider it as great economy. Hitherto nothing appears in our books which can do me credit as an economist; but for this many causes are to be assigned. I have been paying the arrears of former Governments. Their excesses in the collections have occasioned heavy losses in my time. The enormous and unchecked accumulation in every article of expense took its rise before I came to the Government; and so universal was the evil, and so ingenious were the people in the practice of it, that though many useful regulations have been made, they have no sooner stopped the channel of one excess than it has broken out in some other. They are now all closed, and I will answer for the effect.

I forgot to add to the inheritance left me by my predecessors a debt fluctuating between a crore and a crore and a half of rupees, the interest of which formed an article of ten lacs a year in our disbursements.

Many deductions were made by authority from home from the revenue, which have since produced a proportional increase in others, as in the customs, which amount for the last ten months, since the commencement of the new plan, to 10, 12,893 rupees.

The following abstract of the number of ships which have entered this port in the last four years will likewise show the improved state of the commerce of this country, to whatever cause it may be owing:—

		Vessels.		Tons.
In the year 1770	arrived in the river	88,	in all	22,475
In the year 1771	,,	101,	,,	24,140
In the year 1772	,,	119	,,	26,184
In the year 1773	,,	161	,,	37,187
		469		109,986

It is not easy to prove that the measures of Government have caused this improvement in our commerce, but this

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improvement is a proof that our measures have not lessened the trade of the country.

I have a pride in mentioning as one of the first and mostcapital savings which I can truly claim as my own, the stipulation made with the Vizier for the whole estimated expense of the forces employed for his service; nor have I less satisfaction in the reduction of the Nabob's stipend, in the suspension of the King's tribute, and in the treaty money for Cora and Allahabad; to which I might add the money which would have been laid out in maintaining these provinces, had we not parted with them.

You have been already informed of the publication which was issued in May or June last, forbidding the use of force in engaging the service of the weavers, whether for the Company's investment or the business of private merchants. It has been attended with no ill effect, and I fear has not been well enforced. There is such a spirit of despotism and servitude rooted in the dispositions of the people of Bengal, that it is the most difficult point that can be imagined to check the one, or prevail on the meaner orders of the people to accept of their freedom.

Our Cooch Bahar expedition has, I hope, terminated in an advantageous and creditable manner. The Booteas have solicited peace, offering to give up the whole open country, requiring only the possession of the woods and low lands lying at the foot of the mountains, without which they cannot subsist, and the liberty of trading duty free as formerly to Rungpore as soon as the peace should be concluded. Their proposals were received about three days ago, and orders were immediately returned to Mr. Purling to accept them. We shall have acquired a rich and valuable country; and I believe there is little hazard of our meeting with more trouble from the Booteas, who have afforded many instances of a character much more sincere, libera and polite than they were thought to possess till we quarrelled with them.

The Seniassies threatened us with the same disturbances at the beginning of this year as we experienced from them the

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last. But by being early provided to oppose them, and one or two severe checks which they received in their first attempts we have kept the country clear of them. A party of horse which we employed in pursuit of them has chiefly contributed to intimidate these ravagers, who seem to pay little regard to our sepoys, having so much the advantage of them in speed, on which they entirely rely for their safety. It is my intention to proceed more effectually against them by expelling them from their fixed residences which they have established in the north-eastern quarter of the province, and by making severe examples of the zemindars who have afforded them protection or assistance.

The first brigade has marched into the province of Oude on the requisition of the Vizier, for the declared purpose of invading the country of the Rohillas on the conditions before stipulated with him: but I believe it will remain inactive as a guard to his province while he is engaged in other designs, it being too late to execute the Rohilla project. The brigade will gain in its discipline by keeping the field, and its expenses will be saved, at least the greater part of them, by the stipulated payment which he is to make for it of 2,10,000 rupees. As to the Vizier himself, he is busy in adding the Dooab, or the country lying between the rivers Jumna and Ganges, and lately occupied by the Mahrattas, to his dominions. He has been successful, having met with no enemy to oppose him. I have appointed for my agent at his court Mr. Nathaniel Middleton, a young man of a fine understanding, and of a disposition perfectly suited to the employment.

The Mahrattas are in a state of the greatest distraction. A confederacy is openly formed against Ragonaut Row, their Peshwa, or head, by the majority of the ministers and chiefs of that empire, headed by Shawbajee Boosla, the chief of Berar. They have seized the widow of the late Peshwa, Narain Row, who was murdered to make way for the elevation of Ragonaut Row, intending to set up the child of which

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she is big if he proves a boy, as no doubt he will, to be their head. Ragonaut was before this event so far advanced towards the Carnatic, as to alarm the gentlemen of Fort St. George with the apprehension of an invasion. They had accordingly appointed a considerable force to take the field near the borders of Carnatic, but I suppose contrary to the inclination of the Nabob, who has declared himself unable to pay the expense of it, and this was the cause of their applying to us for money. They are, however, in no danger this year, nor ever, if my suspicions are well founded, while Mohamud Alli lives. While I am upon this subject, I must add, that the brothers of Jannoojee are also at variance about the succession to his Government. Shawbajee, the eldest, is at the head of the confederacy against Ragonaut and his brother Mûda Jee with Ragonaut. A Vakeel from the former is now at Calcutta.

These distractions in the Mahratta State afford us a certainty of quiet in all the Company's dominions for this season at least, and I cannot help lamenting that we want a combination of the vast powers possessed by the Company to derive some advantages from these troubles.

We have had great disputes with the French on occasions too frivolous to report, but founded on an opposition of principles on points of the greatest importance. They assert their right to a total independency on this Government, and to include in the same freedom all their dependants, that is, whom they please. They pretend to a right to set up factories wherever they choose, and to exercise an uncontrolled authority over the weavers, and others, to whose services they have any claim, disclaiming the authority of the established courts of justice. We have desired them to be quiet, and promised to avoid on our part as much as lay in us, to touch upon these points in dispute, till they could be decided by superior authority in Europe. I wish they were decided, for their pretensions are unreasonable and distressing and their manner of asserting them very provoking.

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iii.

[It was with the view, if possible, of averting the evils that attend the introduction of a new Code into an old country that the following letter to the Lord Chief Justice Mansfield was written, and the treatise spoken of so highly is Halhed's Digest of Hindu Law].

Fort William, 21st March 1774.

MY LORD,—I feel a very sensible regret that I have not endeavoured to improve the opportunities which I possessed by an early introduction to your Lordship's acquaintance of acquiring a better right to the freedom which I now assume in this address. The great veneration which I have ever entertained for your Lordship's character, and the unimportant sphere in which, till lately, it has been my lot to act, were sufficient checks to restrain me from such an attempt, however my wishes might have impelled to it.

I know not whether you will admit the subject of this letter to merit your attention by its importance. My only motive for introducing it to your Lordship is, that I believe it to be of that importance, as it regards the rights of a great nation in the most essential point of civil liberty, the preservation of its own laws, a subject, of which I know no person equally able to judge, or from whom I could hope for a more ready or effectual support of any proposition concerning it.

Among the various plans which have been lately formed for the improvement of the British interests in the provinces of Bengal, the necessity of establishing a new form of judicature, and giving laws to a people who were supposed to be governed by no other principle of justice than the arbitary wills, or uninstructed judgments, of their temporary rulers, has been frequently suggested; and this opinion I fear has obtained the greater strength from some publications of considerable merit in which it is too positively asserted that written laws are totally

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unknown to the Hindoos, or original inhabitants of Hindostan. From whatever cause this notion has proceeded, nothing can be more foreign from truth. They have been in possession of laws, which have continued, unchanged, from the remotest antiquity. The professors of these laws, who are spread over the whole empire of Hindostan, speak the same language which is unknown to the rest of the people and receive public endowments and benefactions from every state and people, besides a degree of personal respect amounting almost to idolatry, in return for the benefits which are supposed derived from their studies. The consequence of these professors has suffered little diminution from the introduction of the Mahomedan government, which has generally left their privileges untouched and suffered the people to remain in quiet possession of the institutes which time and religion had rendered familiar to their understandings and sacred to their affections. I presume, my Lord, if this assertion can be proved, you will not deem it necessary that I should urge any argument in defence of their right to possess those benefits under a British and Christian administration which the bigotry of the Mahomedan government has never denied them. It would be a grievance to deprive the people of the protection of their own laws, but it would be a wanton tyranny to require their obedience to others of which they are wholly ignorant, and of which they have no possible means of acquiring a knowledge. I cannot offer a better proof of what I have before affirmed, than by presenting you with a specimen of the laws themselves, which it will be necessary to preface with the following brief history of the manner in which it came into my hands.

A short time after my appointment to the government of this presidency, the company were pleased to direct the administration here to take possession of the Dewanny, or territorial government of these provinces in their name, without using any longer the intervention of an officer of the ancient Mogul government under the title of their naib, or deputy and gave them full powers to constitute such regulations for the collection

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and management of the revenue as they should judge most beneficial to the company and the inhabitants.

In the execution of this commission, it was discovered that the due administration of Justice had so intimate a connection with the revenue, that in the system which was adopted, this formed a very considerable part. Two courts were appointed for every district, one for the trial of crimes and offences, and the other to decide causes of property. The first consisted entirely of Mahomedans and the latter of the principal officers of the revenue, assisted by the judges of the criminal courts, and by the most learned Pundits (or professors of the Hindoo law) in cases which depended on the peculiar usages or institutions of either faith.

These courts were made dependent on two supreme courts which were established in the city of Calcutta, one for ultimate reference in capital cases, the other for appeals.

In this establishment no essential change was made in the ancient constitution of the province. It was only brought back to its original principles, and the line prescribed for the jurisdiction of each court, which the looseness of the Mogul government for some years past had suffered to encroach upon each other.

It would swell this letter to too great a bulk were I to enter into a more minute description, although I feel the necessity of making it more comprehensive to convey an adequate idea of the subject.

As it has never been the practice of this country for the Pundits or expounders of the Hindoo law, to sit as judges of it, but only to give their opinions in such cases as might be proposed to them, and as these perpetually occurring occasioned very great delays in our proceedings, or were decided at once by the officers of the courts, without any reference, it was judged advisable for the sake of giving confidence to the people, and of enabling the courts to decide with certainty and despatch, to form a compilation of the Hindoo laws with

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the best authority which could be obtained; and for that purpose ten of the most learned Pundits were invited to Calcutta from different parts of the province who cheerfully undertook this work, have incessantly laboured in the prosecution of it and have already, as they assure me, completed it all but the revisal and correction of it.

This code they have written in their own language, the Shanscrit. A translation of it is begun under the inspection of one of their body into the Persian language, and from that into English. The two first chapters I have now the honour to present to your Lordship with this, as a proof that the inhabitants of this land are not in the savage state in which they have been unfairly represented, and as a specimen of the principles which constitute the rights of property among them.

Although the second chapter has been translated with a despatch that has not allowed time for rendering it quite so correct as I could wish to offer it to your Lordship's view yet I can venture to vouch for the fidelity with which it is generally executed, such parts of it as I have compared with the Persian copy having been found literally exact.

Your Lordship will find a great mixture of the superstitions of their religion in this composition. Many passages in the first chapter are not to be reconciled to any rule known to us but may be supposed to be perfectly consonant to their own maxims, as your Lordship will perceive that they have been scrupulously exact in marking such cases as have received a different decision in the different originals from which this abstract is selected.

Upon the merit of the work itself I will not presume to offer an opinion. I think it necessary to obviate any misconception which you may entertain from the similitude in the arrangement and style to our own productions, by saying that I am assured they are close and genuine transcripts from the original.

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With respect to the Mohomedan law, which is the guide at least of one-fourth of the natives of this province, your Lordship need not be told that this is as comprehensive, and as well defined, as that of most states of Europe, having been formed at a time in which the Arabians were in possession of all the real learning which existed in the western parts of this continent. The book which bears the greatest authority among them in India is a digest formed by the command of the Emperor Aurangzebe, and consists of four large folio volumes which are equal to near twelve of ours.

I have only to add that the design of this letter is to give your Lordship a fair representation of a fact of which the world has been misinformed, to the great injury of this country, and to prevent the ill effects which such an error may produce in a public attempt to deprive it of the most sacred and valuable of its rights. Even the most injudicious or most fanciful customs which ignorance or superstition may have introduced among them, are perhaps preferable to any which could be substituted in their room. They are interwoven with their religion, and are therefore revered as of the highest authority. They are the conditions on which they hold their place in society, they think them equitable, and therefore it is no hardship to exact their obedience to them. I am persuaded they would consider the attempt to free them from the effect of such a power as a severe hardship. But I find myself exceeding the bounds which my deference for your Lordship's great wisdom had prescribed, and therefore quit the subject.

I know the value of your Lordship's time, and reluctantly lay claim to so great a share of it as may be required for the perusal of this letter. I assure myself that you will approve my intention.

My only apprehension is, that it may arrive too late to produce the effect which I hope to obtain from it. I would flatter myself that the work which it introduces may be of use in your Lordship's hands towards the legal accomplishment of a

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new system which shall found the authority of the British government in Bengal on its ancient laws, and serve to point out the way to rule this people with ease and moderation according to their own ideas, manners, and prejudices. But although I should be disappointed in this expectation, I still please myself with the persuasion that your Lordship will receive it with satisfaction as an object of literary curiosity, whatever claim it may have to your attention from its intrinsic merit; as it contains the genuine sentiments of a remote and ancient people at a period of time in which it was impossible for them to have had the smallest connexion or communication with the inhabitants of Europe, on a subject in which all mankind have a common interest, and is, I believe the first production of the kind hitherto made known amongst us.—

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iv.

To The Right Hon'ble Lord North.

Fort William, 2nd April 1775.

My Lord,—The assurance which your Lordship has been so obliging as to make me, that if there was anything in the present system and arrangement which I might wish to have altered, you would be favourably disposed to attend to it, has long prompted me to offer to your Lordship my thoughts upon the general management of the affairs of this country. The subject is difficult and extensive, and requires both a vacant and composed mind to treat it properly. This has seldom been, nor is at this time, the state of mine, yet I cannot suffer the last despatches of this season to depart without communicating my opinion of such additional regulations or alterations in those already made as may be immediately wanting for rendering more complete the system which your Lordship has already so happily planned.

One of the great inconveniences to which the administration of this Government has been till lately subjected is the want of a sufficient distinction between the departments of it. While the affairs of the Company were merely commercial, it was useful and even necessary that their servants should make themselves acquainted with every branch of the service. Their frequent removals from one office to another were well calculated for this purpose, and the prospect of rising in succession to the first and most lucrative employments, served to excite their industry, and was of some advantage to them in establishing their private credit which they confirmed in the intermediate stations, especially if they appeared to have distinguished themselves in these, the same qualifications being required for their own mercantile concerns as for those of their employers. But the vast change which has since taken place in the affairs of the Company, especially since the acquisition

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of the Dewanny, required the application of principles diametrically opposite to the former practice for conducting them. The various and multiplied objects which have since occupied the attention of this Government were too valuable to be delegated entirely to the charge of others, and too weighty for its immediate superintendency. The right which the former rule of the service gave to every person to succeed to vacant offices by seniority or rotation, occasioned continual changes in every office and much embarrassment in the accounts.

The offices which required great labour and yielded few emoluments were ill supplied; those who were employed in them either claiming as a recompense of their services, which was never refused after a space of two, or at most three years, the succession to places of greater profit. This was chiefly the case with the offices of the accomptants and secretaries the salaries of which were small, with scanty or no emoluments, and even those disproportioned to others of the like amount enjoyed in the country by reason of the difference in all articles of expenses in town. Added to a spirit of dissipation occasioned by these frequent changes, the business of the service often suffered by the loss of persons removed from employments for which their talents were peculiarly adapted and as much by the appointment of others to employments for which they were unfit. Both inconveniences have sometimes been experienced in the transfer of the same person from one office to another, and it requires little argument to show the absurdity of promoting a man who had distinguished himself by his knowledge of the investment, or his assiduity in the arrangement and distribution of stores, to the Government of the country and the administration of justice. Succession by the routine of the Company's list, particularly to the Council, was likewise attended with great evils. It brought the Council too near on a level with the inferior branches of the service and proved an encouragement to oppression, as few would venture to complain against men destined to hold the rod of power and even the members of the Council themselves might

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not always be exempt from the influence of the same consideration or from that of a personal connexion when appealed to as judges in such grievances.

These inconveniences have been in part removed by the mode established by Parliament for supplying the vacancies of the Supreme Council and by the institution of the Board of Trade, and the necessity for completing the other separations is become stronger by both.

I would recommend that the heads of offices should remain fixed, and the views of the assistants in each confined to promotion in their own departments. Some exceptions to this rule may occur, especially in the offices of the secretaries and Persian translators, on account of the improvements acquired in both, which qualify the possessors of them for the most difficult and important trusts in the service.

2. There is one strong objection to this restriction namely, that it would prove a great discouragement to such of the servants as were allotted to the laborious and least profitable duties of the service, while the places of emolument were wholly engrossed by others perhaps not more deserving. The only means which occur to me for the removal of this objection are easier in speculation than practice. It is to proportion the emoluments of every office to the labour, trust, and importance of the duties dependant on it. This can hardly be effected by fixed salaries. There is a difference in the value of money between this country and England, arising partly from the difference of expense, and more from the necessity which every man being but a so-journer in it is under of providing a competence against the time of his return to his own country, which will be for ever an insuperable obstacle to the appointment of salaries really adequate to the offices for which they are assigned, which would not appear enormous at home, besides that fixed salaries are no incitement to diligence, but are received as of course, and the services due for them reluctantly performed, and regarded

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as a dead and unprofitable labour. It may appear inconsistent that I should object to large salaries, and yet propose emoluments which in a less public way should yield an equal amount : but this I venture to recommend, and trust to your Lordship's wisdom for approving it. Exclusive of moderate salaries, the remainder of their allowances might be made up by a commission charged to the Company or Government, or by moderate fees received according to stated tables from individuals, as the nature of the business performed might render the application of either mode most practicable or most eligible. The commission would less sensibly appear in the public accounts, and the fees would be cheerfully paid by individuals, as they would in most cases prove the means of accelerating the despatch of business, the delays of which are often in the best regulated offices an intolerable oppression. I am obliged to content myself in this place with laying down the general rule. The specification of it would take up more of my time than I can now bestow, and of your Lordship's than I could with decency claim. I will only add that I think it practicable and capable of such restrictions and subsidiary regulations as might in most instances obviate any inconvenience arising from it. It would undoubtedly prove the greatest spur to industry, and it would be productive of this further advantage, that it would remove the pretext for prohibited or hurtful perquisites, which in spite of the wisest institutions, or the most absolute prohibitions, will exist, and be considered as tacitly allowed if the authorized emoluments are inadequate to the ordinary rates of expense.

3. The management of the revenues is an object of so much magnitude and importance that it would be imprudent to offer anything respecting it as a perfect plan drawn up precipitately and without discussion, or indeed without knowing under what authority they will continue to be collected after the expiration of the present Act ; but in pursuance of the idea with which I set out, I will venture to declare to your Lordship that in my opinion, under the present system, there

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cannot be a mode better calculated to improve the revenue of the province than that of its superintendency by provincial council. I would rather wish their powers enlarged, and am of opinion that an intermediate board of control might be successfully established at the capital, which should audit all accounts and correspond with the Provincial Councils, referring only cases of succession to vacant zemindaries, applications for the remission or suspension of rents, general ordinances, the dismission of old farmers, the settlements with new, for decision or approbation, to the Supreme Council. This board should meet every day, which would not only promote exceedingly the despatch of business which is the life of the collections, and preserve an uniformity in the management of the collections, but it would, by lessening the weight of affairs which are, on the present footing, an intolerable burthen on the Superior Council, enable them to give more attention to matters of greater and more general import, and render the control more effectual as it would be less interrupted.

4. The commercial branch having been so materially separated from the other departments, I judge it will be proper to make this separation still more complete. The details of commerce are not fit objects of attention to the supreme administration of a state; neither can the members who compose it be supposed to be equal judges of the justness or propriety of these transactions with those whose sole business it is to attend to and understand them. Besides, in our constitution, as it now stands, there are two authorities in the same branch each aspiring at the exercise, but endeavouring to throw the responsibility on the other which must unavoidably occasion delays and a want of vigour in their proceedings. A clear illustration of this appears in the proceedings respecting the freighting of the Anson and Ashburnham. The conditions of the charter parties, and the examination of the bottoms of these ships, were hardly objects of consideration at the general Board, yet they occupied a large portion of their

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time and attention. It appears also very evidently that the Board of Trade avoided giving their opinion on many points, and in some absolutely declined it, beeause they did not choose to take upon them the responsibility of advice without the power of execution. I therefore think that great benefit would accrue on all sides were that department to be enlarged so as to include every duty appertaining to the investment or in any shape connected with the commercial interest of the Company, and every office depending upon either. The execution in all that branch will then be theirs, and the responsibility theirs, and the Government will only preserve that general control over them which is necessary in the administration of affairs.

It seems also highly necessary that the servants under that department should be totally dependant on the Board of Trade. Indeed I conceive that the words of the Company's instructions imply as much, but it has not been so understood by others. I foresee great confusion, and the seeds of anarchy and disobedience existing in their constitution if it is allowed to remain on the present footing. It appears to me that the Company's servants in that line should be fixed to that only, with a positive interdiction of their removal to any other, and that they should be left entirely to the control of their own Board in the same manner as under the former system.

5. Your Lordship will doubtless be fully advised from the proper channels of the proceedings of the Court of Judicature. Its effects will naturally be represented by the public as they are felt by some as hurtful and by others as of utility. All new institutions are liable to defect, and even the most perfect to ill consequences in their first operation, but I may venture to say this has been generally received as tending to the happiness and benefit of British subject, and carrying the most gracious intention to the inhabitants of Bengal. The protection which it affords to the weak against oppression has already been virtually felt by many who are even unsuspicious of the source from which they derive so inestimable a bless-

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ing. But it has also proved in some cases the unavoidable cause of distress, by the total suppression of the former courts of justice within the city of Calcutta, which is become already very considerable from the number and wealth of its inhabitants; and by the weakness of the civil courts established in the other parts of the provinces, and acting under a doubtful authority.

It appears to me defective only in the inadequacy of its natural powers to the extent of its jurisdiction. I much fear that it will be found scarce possible in practice to make the distinction intended by the Act, and Charter, between such persons as are employed in the service of the Company, or of the British subjects, and other native inhabitants. The mutual concerns and connexions of two classes so formed of the same people will bring almost every man of property within the sphere of the Supreme Court, independently of the necessity to which it seems unavoidably liable of exercising a temporary authority, even over those not subject to it by the Act for the purpose of ascertaining their exemption from it. The geographical measurement of the provinces of Bengal exceeds, perhaps, that of great Britain, and the number of litigible disputes is at least as great. Judge then, my Lord, how incompetent a single court, however composed, must be for the effectual distribution of justice to such a nation.

6. I feel the weakness of my own experience when I attempt to offer a remedy for this defect, but some is surely necessary, and I should hope that the Dewanny Courts, that is, the courts subsisting by immemorial usage for the determination of litigated suits between the natives, might subsist by delegated powers from the Supreme Court and dependent on it. Neither can I propose any alteration in the Criminal Courts, because, as they are constituted, I think them better calculated for the speedy correction of offences in the natives, than any other species of judicature which could be substituted in their room. These at present, hold

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their powers from the Nabob, and are considered as a branch of the Nizamut, but your Lordship will easily conceive that his name is but an ostensible sanction, as it would be dangerous to trust the real power in the hands of a mere Pageant, who has no interest in the due exercise of it.

7. I venture to submit it to your Lordship's consideration, whether it might not be attended with some good effects in establishing a good understanding between the members of the Supreme Court and of the Council, and in enabling the former the better to comprehend the nature and utility of many propositions, to be passed into laws for the good order and benefit of the country, to the knowledge of which they have not any present means of access, but in which their concurrence is equally necessary whenever such laws shall be proposed, and also for guarding the acts of the Board from any legal error, that the chief justice should have a fixed or occasional seat at the Council Board. Of the propriety or consequence of this proposition, in other respects, I am not a judge.

8. Many alterations appear to me necessary, both with respect to the management of political affairs here, and the correspondence at home. Those subjects not being of a local nature, it would be presumption in me to propose anything concerning them to your Lordship's superior judgment. Thus much only it may be permitted me to observe that the political interests of this country have suffered by nothing so much as by the fluctuation and uncertainty continually attending them, as well from variable orders from home, as from indecision here.

9. The last subject on which I wish to engage your Lordship's attention, although of equal if not superior importance to any of the preceding, I find my own feelings too much interested in, to treat it with that freedom which it deserves, although perhaps there never was a time in which I could with less hazard of incurring the imputation of seeking

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to add to my own consequence, impart my own sentiments upon it. I shall therefore be very brief upon it. The subject which I allude to is the definition of the powers of the Governor-General as distinguished from the Board at large. In whatever manner it may be judged expedient to determine this point, it is of the utmost consequence that some clear and precise line be drawn, and applicable to all possible cases, to prevent disputes which will otherwise continually arise upon them. The only danger to which any extraordinary degree of power granted to the Governor can be liable, depends on the choice of the man appointed to so delicate a trust. The choice properly made, your Lordship will find, and the event will justify my assertion, that some kind of separate and independent authority must be delegated to him to enable him to discharge the executive duties of Government, and to preserve a consistency in its measures. The length of time which will be required for appeals to England, before their effects can be received, which will oftener exceed than fall short of two years, may produce so many variations in the state of affairs which existed at the time in which they were made, as to render the application of no effect, and such is the natural envy attendant on the first office of Government, though but ostensibly superior to the rest, that in a body so small as that of the present Council, a majority will be almost always formed against him, unless, by descending to the arts of intrigue, which will be eventually productive of evils not much less pernicious than those of total anarchy, he can find means to maintain an unsteady and uncertain supremacy.

I forbear, my Lord, to enter into a detail of this subject, or propose the modifications of it, but beg leave to refer Your Lordship (if you shall think what I have already said deserving your further attention) to a letter written by me to the Court of Directors, and dated the 11th of November 1773, in which my sentiments will appear more at large, and, though applied to a former constitution of this Government, will be found, if just,

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equally applicable to the present. I have some reason to believe that the letter which I allude to will have undergone Your Lordship's inspection long before this can reach your hands, which induces me rather to refer Your Lordship to it, than to take up more of your time by an unnecessary repetition.

If the general rules which I have recommended should receive the sanction of Your Lordship's approval, it is my intention at some future time to submit to Your Lordship a practical system formed on these principles for the government of these provinces. In the meantime, I hope Your Lordship will judge favourably of this imperfect attempt, which I have prematurely made in pure respect to Your Lordship's commands.

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v

TO MAJOR SCOTT,

Fort William, Oct. 1783.

The Commissioners for regulating the price and distribution of grain were sworn in this day. I will send you a copy of the plan. I am confident of its effect. It had the instant effect of opening the *Golas* in Calcutta, where an artificial want had already prevailed. I shall see their daily proceedings, and you may swear in my name that the famine of India shall not invade the provinces of our dominion. I hope it will draw the emigrants of other countries into our own, and be the means of establishing a scheme which I have laboured to bring to pass these eleven years; a chain of granaries on the banks of the two great rivers, built of solid masonry, to be filled in times of superabundance, which always hurts our revenue, with a provision of three months and closed. I have begun such a provision in the fort, where we have bottled up 70,000 maunds, and I do not intend to uncork it till it has stood twenty years. The plan is simple. It consists of an arched building of six feet in thickness of an indefinite length, with partitions, an opening left over each, which, when the partitions are filled, is closed with masonry, so that the external air is totally excluded. I have made a fair trial of the design, and found it to answer, in so much that I am certain the grain would remain in a sound state for fifty years so deposited. Grain purchased when it is in such plenty that the raiats want a sale for it will aid the revenue. In effect it will cost nothing but the first cost of the buildings.

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VIII.

PITT'S INDIA ACT AND THE AMENDING ACT OF 1786.

Pitt's bill of 1784, the explanatory Act of 1786 and such acts as have been subsequently passed collectively form the basis of the present constitution of our Indian Government.

Mr. Pitt's bill of 1784 appointed six privy counsellors to be Commissioners for the affairs of India ; with one of the Secretaries of State for the time being for president. These Commissioners, who were appointed by His Majesty, and removeable at his pleasure, were vested with a control and superintendence over all Civil, Military, and Revenue affairs of the Company.

The Commissioners were obliged to return the copies of papers which they should receive from the Court of Directors, with their approbation : or to state at large their reasons for disapproving of them : and their despatches, so approved or amended, were to be sent to India, unless the Commissioners should attend to any representations of the Court of Directors respecting further alterations in them.*

In all cases of secrecy, and particularly such as related to war or peace with the native powers of India, the Commissioners could send their orders to the Local Government of India through a secret Committee of the Court of Directors ; which Committee could, in this case only, be considered as the vehicle of such instructions.

The Chief Government of India was by this Act to consist of a Governor-General and three counsellors : and the Com-

*If the Commissioners forwarded any orders to the Court of Directors on points not relating to the Civil or Military Government, or to the revenue of the territorial possessions of the Company, the Directors might appeal to the King and Council.

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mander-in-Chief of the Forces for the time being had a voice and precedence next after the Governor-General ; but was not to succeed, in the event of a vacancy, unless by special appointment of the directors.

The constitution of the Government of the subordinate Presidencies of Madras and Bombay was made the same as Bengal ; and at both, the Governor had, like the Governor-General, a casting vote in Council.

These settlements were by this Act placed completely under the rule of the Governor-General in Council, on all points connected with negotiations with the country powers, peace or war, and the application of their Revenues and forces.

The King had a right, by this Act, to recall the Governor-General, or any officer of the Company from India and if the Court of Directors did not, within two months, nominate some person to a vacancy which had occurred in any of the principal stations to which it was their duty to appoint, the crown became possessed of the right to make such nomination.

It was declared by this Act that, as the pursuit of schemes of conquest was repugnant to the wish, to the honour and the policy of the British nation, it was not lawful for the Governor-General in Council of Fort William, without the express authority and concord of the Court of Directors, or of the secret Committee, either to declare or commence hostilities, or to enter into any treaty for making war against any of the Native Princes or States of India, or any treaty guaranteeing the dominions of such Princes or States, except when hostilities should have been commenced, or preparations actually made for the attack of the British nation in India, or of some of the States and Princes whose dominions it shall be engaged by subsisting treaties to defend.

The subordinate presidencies were prohibited by this Act from making war or peace without orders from Fort William, the Court of Directors or the secret Committee, except in cases of sudden emergency or imminent danger, when it would be

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ruinous or unsafe to postpone such hostilities or treaty. The supreme Government had the power given them of suspending any of the Governors of the subordinate settlements who should disobey their orders.

A new and extraordinary Court was constituted by this Act, for the trial of Indian delinquents. It was formed of a specified number of members of the House of lords and House of commons, and had great powers given to it, for the purpose of bringing to justice persons whom (as was stated) common-courts could not reach. But it is needless to dwell upon this part of the bill, as in consequence of representations from the British subjects in India, it was completely new-modelled and changed.

An Act was passed in 1786, by which several parts of the Act of 1784 were explained and amended. The power of appointing a Civil Servant of twelve years' standing, on the occurrence of a vacancy to Councils, was given to the local Governments of India.

The appointment of a Commander-in-Chief to Councils was made an act of option, not of necessity. The directors were vested with the power of appointing the Commander-in-Chief in India Governor-General, &c., of making the Commander-in Chief at Madras and Bombay president of those settlements : and, what was more important, the Governor-General, and the Governors of Madras and Bombay, were vested by this Act with a discretionary right of acting, in extraordinary cases, without the concurrence of their Councils, being held solely and personally responsible for any consequences which might ensue from the measures adopted under such circumstances.

This great power was given to such Governor-General or Governors only as were specifically appointed to those stations, and did not devolve to their casual successors, and it did not extend to cases of a judicial nature or to the alteration

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of any established regulations for the Civil Government of the British settlements in India.*

* In 1797 an Act was passed, by which courts were established at Madras and Bombay, with powers nearly similar to those which had been before given to the supreme court of judicature at Bengal. These courts were made altogether independent of the Company's Governments in India ; but they were not competent to try informations against tbe Governor or Council, unless in cases of felony or treason. The regulations of these courts were in some respects altered by an Act passed in 1800, when a chief Judge, and two puisne Judges, were appointed to the court of judicature at Madras.

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IX.

PERMANENT SETTLEMENT OF LAND IN BENGAL.

A.

RIGHT HON. HENRY DUNDAS TO THE MARQUIS CORNWALLIS.

[Private.] Received March 2, 1793.

MY DEAR LORD, London Sept. 17, 1792.

In your letter you allude to the important question of the perpetuity of the Decennial Settlement, and I have the very great satisfaction to inform you that the same conveyance which carries this, carries out an approbation and confirmation of your sentiments on that subject. It has been longer delayed than I expected, but the delay was unavoidable. Knowing that the Directors would not be induced to take it up so as to consider it with any degree of attention, and knowing that some of the most leading ones among them held an opinion different both from your Lordship and me on the question of perpetuity, and feeling that there was much respect due to the opinion and authority of Mr. Shore, I thought it indispensably necessary both that the measure must originate with the Board of Control, and likewise that I should induce Mr. Pitt to become my partner in the final consideration of so important and controverted a measure. He accordingly agreed to shut himself up with me for ten days at Wimbledon, and attend to that business only. Charles Grant staid with us a great part of the time. After a most minute and attentive consideration of the whole subject, I had the satisfaction to find Mr. Pitt entirely of the same opinion with us. We therefore settled a despatch upon the ideas we had formed, and sent it down to the Court of Directors. What I expected, happened; the subject was too large for the consideration of the Directors in general, and the few who knew anything concerning it, understanding from me that Mr. Pitt and I were

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decided in our opinions, thought it best to acquiesce, so that they came to a resolution to adopt entirely the despatch as transmitted by me.

The subject I have just wrote upon, naturally leads me to advert to what your Lordship has so often urged me upon—the finding a proper successor to you. I can assure your Lordship, you have never imposed any task upon me that I have found more difficult to accomplish. The truth is, that I had almost despaired of it, and it is not a month since I had determined to write to you entreating you to remain a few months more, and promising that, if we did not find a successor in the course of the winter to our mind, I would come out to India myself, the moment the charter of the East India Company should be settled, sooner than which time it was impossible for me to leave this country. I trust, however, that what we have now resolved upon, will under all circumstances, meet with your approbation. In considering the proceedings of your Government on the Decennial Settlement, although Mr. Shore differed from you on the question of perpetuity, it was impossible to consider the whole of that subject without admiring his talents, industry, and candour. Mr. Pitt and I therefore agreed to recommend him to the Court of Directors as provisional successor to you. He had some difficulties on account of domestic circumstances—Mrs. Shore, to whom he is much attached, not being in a condition to attend him immediately. He is willing either to remain for a few years at the head of the Government, or to become second in Council, if we think it right, upon further inquiry, to send out any other person from this country, or to come home again, if that suits our arrangement best. We have got great credit by recommending him for this appointment, and from the high opinion you entertain of him, I trust you will be satisfied with it.

I wrote to the King, who is at Weymouth, giving him my reasons for adopting this measure, and I send you a copy of the letter he wrote in answer to mine. He is in perfect health,

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and delighted beyond description with all the recent events of India. I know not which he admires most, your conduct of the war, or the peace by which you have concluded it. The King wishes Abercrombie to succeed you as Commander-in-Chief, with a seat in the Supreme Council. I have recommended it, and I suppose the Directors will do it next Wednesday.

I suppose we shall see Medows very soon. His conduct to you has been highly honourable, and is everywhere felt as such: you need be under no apprehension of his being well received at St. James's. The King feels on all that subject exactly as you wish. He had purposely reserved for him and Abercrombie, two Red Ribbons, that they might be bestowed upon them at the end of the war in India; and that mark of the King's approbation of their services was announced in the Gazette, immediately after the receipt of your letter communicating the termination of hostilities.

In conferring the Marquisate on your Lordship, we went on your brother the Bishop's authority, both as to the thing itself, and not changing the title of *Cornwallis*. I trust your Lordship will give me full credit when I assure you that amongst many other circumstances of satisfaction, which, both on public and private grounds, I derived from the happy termination of the war, none has given me more sincere pleasure than the very high and exalted situation in which your Lordship stands in the public opinion, and the love that is borne to you by every man in the kingdom whose opinion you can have any value for.

I propose the beginning of next month to go to Scotland, and be idle for six weeks or two months, and upon my return I shall set immediately to work with the arrangement of the new Charter. I have already pretty much formed my opinions, and I trust we shall carry through all that business with a high hand, and, I should hope, without any serious dispute with the Court of Directors. Before I go to Scotland

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I shall explain to Mr. Shore all my ideas, that he may communicate them to you.

I remain, &c.,

HENRY DUNDAS.

THE KING TO THE RIGHT HON. HENRY DUNDAS.

[Holograph.]

Weymouth, Sept. 5, 1792, 4 p. m.

Unless a very proper man of distinction could have been (found) to be Governor-General at Bengal, no one could have been so properly thought of as Mr. Shore, who will certainly more explicitly follow the Civil plan Lord Cornwallis has laid down than any other person; I trust at the same time a seat at the Supreme Council will be conferred on M.-Gen. Abercrombie, and the Commission of Commander-in-Chief of the Forces in the East Indies; and a fit person entrusted with the command of the Forces in the Carnatic. G. R.

B

Governor-General's Minute, 18th September 1789.

The great ability displayed in Mr. Shore's Minute, which introduced the propositions for the settlement; the uncommon knowledge which he has manifested of every part of the revenue system of this country; the liberality and fairness of his arguments, and clearness of his style; give me an opportunity, which my personal esteem and regard for him, and the obligation I owe him as a public man, for his powerful assistance in every branch of the business of this Government, must ever render peculiarly gratifying to me, of recording my highest respect for his talents, my warmest sense of his public-spirited principles, which, in an impaired state of health, could alone have supported him in executing a work of such extraordinary labour; and lastly, my general approbation of the greatest part of his plan.

I am confident, however, that Mr. Shore, from his natural

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candour, as well as the public at large, will readily admit, that deeply interested as I must feel myself, in the future prosperity of this country, it would be unjustifiable in me to take any step of real importance, upon the suggestion even of the most capable adviser, without seriously weighing it in my own mind, and endeavouring to reconcile the propriety of it to my own conviction.

Impressed with these sentiments, I am called upon by a sense of indispensable duty to declare, that I cannot bring myself to agree with Mr. Shore, in the alteration which he now proposes to make in the 2nd Resolution, of leaving out the notification to the land-holders, that if the settlements shall be approved by the Court of Directors, it will become permanent, and no further alteration of the jumma take place at the expiration of the ten years.

When the Court of Directors determined to retain in their own hands the right of confirming or annulling the settlement at the expiration of a given term, they undoubtedly acted with becoming wisdom and caution.

The power of making a perpetual and irrevocable settlement of a great empire, without being subject to the revision of the controlling authority at home, would, in my opinion, have been too great to delegate to any distant Government. I cannot, however, believe that they would have held out the flattering hopes of a *permanent* settlement, which alone, in my judgment, can make the country flourish, and secure happiness to the body of inhabitants, unless they had been predetermined to confirm the perpetuity, if they found that their servents here had not failed in their duty, or betrayed the important trust that had been reposed in them. Nothing, I am persuaded, but our expressing doubts and fears can make them hesitate ; and as I have a clear conviction in my own mind of the utility of the system, I shall think it a duty I owe to them, to my country, and to humanity, to recommend it most earnestly to the Court of Directors to lose no time in declaring

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ing the permanency of the settlement, provided they discover no material objection or error ; and not to postpone for ten years the commencement of the prosperity and solid improvement of the country.

Mr. Shore has most ably, and, in my opinion, most successfully, in his Minute delivered in June last, argued in favour of the rights of the zemindars to the property of the soil. But if the value of permanency is to be withdrawn from the settlement now in agitation, of what avail will the power of his arguments be to the zemindars, for whose rights he has contended? they are now to have their property in farm for a lease of ten years, provided they will pay as good rent for it and this property is then to be again assessed, at whatever rent the Government of this country may, at that time, think proper to impose. In any part of the world, where the value of property is known, would not such a concession of a right of property in the soil, be called a cruel mockery ?

In a country where the landlord has a permanent property in the soil, it will be worth his while to encourage his tenants, who hold his farm in lease, to improve that property ; at any rate, he will make such an agreement with them, as will prevent their destroying it. But when the lord of the soil himself, the rightful owner of the land, is only to become the farmer for a lease of ten years, and if he is then to be exposed to the demand of a new rent, which may perhaps be dictated by ignorance or rapacity, what hopes can there be,—I will not say of improvement, but of preventing desolation ; will it not be his interest during the early part of that term, to extract from the estate every possible advantage for himself ; and if any future hopes of a permanent settlement are then held out, to exhibit his lands at the end of it in a state of ruin ?

Although, however, I am not only of opinion that the zemindars have the best right, but from being persuaded that nothing could be so ruinous to the public interest, as that the land should be retained as the property of Government ; I am

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also convinced, that failing the claim of right of the zemindars it would be necessary for the public good, to grant a right of property in the soil to them, or to persons of other descriptions. I think it unnecessary to enter into any discussion of the grounds upon which their right appears to be founded.

It is the most effectual mode for promoting the general improvement of the country, which I look upon as the important object for our present consideration.

I may safely assert, that one-third of the Company's territory in Hindostan, is now a jungle inhabited only by wild beasts. Will a ten years' lease induce any proprietor to clear away that jungle, and encourage the ryots to come and cultivate his lands ; when, at the end of that lease, he must either submit to be taxed, *ad libitum*, for their newly cultivated lands, or lose all hopes of deriving any benefit from his labour, for which perhaps by that time, he will hardly be repaid ?

I must own, that it is clear to my mind, that a much more advantageous tenure will be necessary, to incite the inhabitants of this country to make those exertions which can alone effect any substantial improvement.

The habit which the zemindars have fallen into, of subsisting by annual expedients, has originated, not in any constitutional imperfection in the people themselves, but in the fluctuating measures of Government ; and I cannot therefore admit, that a period of ten years will be considered by the generality of people, as a term nearly equal in estimate to perpetuity.

By the prudent land-holders it will not, whatever it may be by proprietors of a contrary description. It would be unwise, therefore to deny the former the benefit of a permanent system because the mismanagement of the latter will not allow them to derive the same advantage from it.

It is for the interest of the State, that the landed property should fall into the hands of the most frugal and thrifty class of people, who will improve their lands and protect the ryots, and thereby promote the general prosperity of the country.

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If there are men who will not follow this line of conduct when an opportunity is afforded them, by the enaction of good laws, it surely is not inconsistent with justice, policy, or humanity, to say, that the sooner their bad management obliges them to part with their property to the more industrious, the better for the State.

It is immaterial to Government what individual possesses the land, provided he cultivates it, protects the ryots, and pays the public revenue.

The short-sighted policy of having recourse to annual expedients, can only be corrected by allowing those who adopt it, to suffer the consequences of it; leaving to them at the same time the power of obviating them, by pursuing the opposite line of conduct.

Mr. Shore has stated but two positive objections to the latter part of the 2nd Resolution :—The first is, that if after the notification that the settlement if approved by the Court of Directors will be declared permanent, the Court of Directors should not declare the permanency, the confidence of the natives in general will be shaken, and that those who relied on the confirmation, will be disappointed, and conclude that it was meant to deceive them.

I can only say, in answer to this objection, that I cannot believe any people to be so unreasonable as to accuse Government of a breach of faith, and an intention to deceive them, for not doing what Government in express terms assure them it is not in their power to promise to do, as it must depend upon the approbation of their superiors.

The only effect of the notification will, in my opinion, be, to encourage the land-holder to offer—all that Government asks, or wishes for,—a fair rent, lest by endeavouring to withhold what he knows he ought in justice to pay, he should forget that greatest of all blessings, a real property; and to stimulate him to more exertion in his cultivation.

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But supposing even for a moment, that the declaration would be received in the sense apprehended; and that the zemindars were to act under a conviction that it was well founded, let us examine the nature of these acts, and whether the consequences of them would be such as to shake the confidence of the natives; or to operate otherwise, in any respect, but advantageously to themselves. The acts alluded to, must of course be such as are calculated to promote the improvement of the country; as, the assisting the ryots with money, the refraining from exactions, and the foregoing small temporary advantages for future permanent profits: such acts must ultimately redound to the benefit of the zemindars, and ought to be performed by them, were the settlement intended to be concluded for ten years only, or even to be made annually.

But this provident conduct cannot be expected from them so long as they have any grounds for apprehending that their land, when improved, may be committed to the management of the officers of Government, or made over to a farmer.

Should the zemindars, therefore, misconstrue the meaning of the declaration, and act in consequence of that misapprehension, they would find themselves enriched by the error; and this result, instead of tending to shake their confidence in Government, might teach them an useful lesson, from which they would profit under any system of management. I shall further observe on this argument, that it is founded on a supposition, that when the zemindars are convinced that the demand of Government on their lands is fixed, they will adopt measures for the improvement of them, which they will not have recourse to, so long as that demand is liable to occasional variation, and, consequently, strongly points out the expediency of a permanent settlement, and declaring to the landholders as soon as possible, that the conclusion of a permanent settlement with them, is the object of the legislature in England as soon as it can be effected upon fair and equitable terms.

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The second objection is, the doubt of its being expedient that the permanency should be declared.

Mr. Shore says, we cannot pronounce absolutely upon the success of our measures, without experience. I must ask, what are these measures, on the success of which there can be no doubt? or, what is the experience that is wanting; and what, by delaying a permanent settlement for a few years, would probably be improved?

There is nothing new in this plan, except the great advantages which are given to the zemindars, talookdars, and ryots, on one side; and the additional security which the Company has against losses by balances from the value of the land, which is to be sold to make them good, being greatly increased on the other. By what probable, I may even say possible means is such a plan to fail?

I understood the word permanency, to extend to the jumma only, and not to the details of the settlement; for many regulations will certainly be hereafter necessary, for the further security of the ryots in particular, and even of those talookdars, who, to my concern, must still remain in some degree of dependence on the zemindars; but these, can only be made by Government occasionally, as abuses occur; and I will venture to assert, that either now, or ten years hence, or at any given period, it is impossible for human wisdom and fore sight to form any plan that will not require such attention and regulation; and I must add, that if such a thing was possible, I do not believe that it will be easy to find a man more capable of doing it than Mr. Shore.

I cannot, however, admit that such regulations can in any degree, affect the rights which it is now proposed to confirm to the zemindars, for I never will allow, that in any country, Government can be said to invade the rights of a subject, when they only require, for the benefit of the State, that he shall accept of a reasonable equivalent for the surrender of a real

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or supposed right, which in his hands is detrimental to the general interest of the public; or when they prevent his committing cruel oppressions upon his neighbours, or upon his own dependents.

The Court of Directors have given us a general idea of the amount of the land-revenue from Bengal and Behar, with which they will be satisfied, if we honestly and faithfully make a settlement equal, and even beyond their expectations in point of revenue, and at the same time calculated in its outlines to promote the prosperity, happiness, and wealth of their subjects, what reason can we have to apprehend that they will not declare its permanency?

From the constitution of our establishments in this country it almost amounts to an impossibility, that at any period, the same Government, the same Boards, or the same Collectors should continue for near the space of ten years; upon what grounds then are the Court of Directors to look for more knowledge and useful experience at the expiration of that term, and under all contingencies that may be reasonably expected to occur? I cannot avoid declaring my firmest conviction. that if those provinces are let upon lease for that period only, they will find, at the end of it, a ruined and impoverished country, and that more difficulties will be experienced than even this Government have had to encounter.

In regard to the 4th resolution respecting gunges, bazars, &c., &c., as Mr. Shore has proposed, that for the present they shall be placed under the management of the Collectors, I will not at this time enter at large upon that question, for I feel very sensible how important it is that the orders for the Behar settlement should be transmitted to the Collectors of that District, without losing a minute's time unnecessarily; and I shall soon have an opportunity of delivering my sentiments fully upon it, when the Bengal settlement comes under our consideration.

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I must, however, observe, that of the six references which are proposed to be made to the Collectors, I cannot see the smallest use in any of them, except the last, which goes to the expediency of the measure.

As to the question of right, I cannot conceive that any Government in their senses would ever have delegated an authorized right to any of their subjects, to impose arbitrary taxes on the internal commerce of the country. It certainly has been an abuse that has crept in, either through the negligence of the Mogul Governors, who were careless and ignorant of all matters of trade; or, what is more probable, connivance of the Mussulmen Aumil, who tolerated the extortion of the zemindar, that he might again plunder him in his turn.

But be that as it may, the right has been too long established, or tolerated, to allow a just Government to take it away, without indemnifying the proprietor from any loss. And I never heard that, in the most free state, if an individual possessed a right that was incompatible with the public welfare, the legislature made any scruple of taking it from him provided they gave him a fair equivalent. The case of the late Duke of Athol, who, a few years ago, parted very unwillingly with the sovereignty of the Isle of Man, appears to me to be exactly in point.

I agree with Mr. Shore, that there would be a degree of absurdity in Government's taking into their own hands the gunges, &c., which are annexed to zemindary rights, and leaving the same abuses existing in those which belong to jaghire and altumgha possessions; but instead of leaving the former on that account, I should most undoubtedly take away the latter, securing to the proprietors a liberal and ample equivalent for all such duties as were not raised, in absolute and direct violation of the orders of Government.

There are, however, several articles, in what are called the sayer collections, with which Government has no occasion

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to interfere, and which may very well be left in the hands of the proprietors.

C

EXTRACT, BENGAL REVENUE CONSULTATIONS.

10th February 1790.

The following Minute from the Governor-General having been sent in circulation on the 7th instant, and returned, is here recorded.

I have considered Mr. Shore's Minutes on the proposed Settlement of the Revenue, which were recorded on the proceedings of the 18th September, and 21st December last, with all the attention which the importance of the subject deserves, and which is due to the opinions of a man, who is so distinguished for his knowledge of the revenue system of this country, and for whose public-spirited principles, and general character, I have the highest esteem.

After having experienced so much advantage from the able and almost uniform support that I have received from Mr. Shore, during a period of near three years, it would have been particularly gratifying to me, if we could have avoided to record different opinions, at the moment of our separation; but a regard to the due discharge of public duty, must supersede all other considerations; and I have at least the satisfaction to be certain, that no private motives have influence with either of us; and that a sense of our duty alone, has occasioned the few exceptions that have arisen to that general concurrence, which there will appear to have been in our sentiments, on almost all important points relating to the public business.

The interests of the Nation, as well as the Company, and the happiness and prosperity of our subjects in this country, are deeply concerned in the points on which we differ; and as the public good is our only object, I am persuaded, that it

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is equally our wish, that the final decision may be such, as will most effectually promote it.

Mr. Shore, in his propositions for making the Behar settlement, objected to our notifying to the land-holders the intention of the Court of Directors, to declare the decennial settlement permanent and unalterable, provided that it meets with their approbation; and, in his two last Minutes, he goes further, and endeavours to prove that a permanent assessment of the lands of these provinces, would at any time, be unadvisable:—He also contends, that the taking into the hands of Government, the collection of all internal duties on commerce, and allowing the zemindars and others, by whom these duties have been hitherto levied, a deduction equal to the amount which they now realize from them, will not be productive of the expected advantages to the public at large; and that it is moreover an unjustifiable invasion of private property.

Had I entertained a doubt of the expediency of fixing the demand of Government upon the lands, I should certainly have thought it my duty to withhold the notification of the intention of the Court of Directors which I recommended; but after the most mature and deliberate consideration of Mr. Shore's reasoning, being still firmly persuaded that a fixed and unalterable assessment of the land-rents, was best calculated to promote the substantial interests of the Company, and of the British nation, as well as the happiness and prosperity of the inhabitants of our Indian territories; and being also convinced that such a notification, would render the proprietors of land anxious to have the management of their own estates, and in many instances induce them to come forward with more fair and liberal offers, at the period of making the new settlement; and, at the same time, that even a disappointment of their expectations would be the cause of no real injury to them, or place them in a worse situation than they were before such hopes were held out to them, it became my indispensable

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duty to propose that the intentions of the Court of Directors should be published.

The notification has been accordingly made in the several Collectorships of Behar, and in the Collectorship of Midnapore in Orissa, the final orders for the settlement of which, have been issued; and the same reasons will induce me to recommend its being published throughout Bengal.

I now come to the two remaining points on which I have differed with Mr. Shore, and the final decision regarding which, must rest with the Honorable Court of Directors; viz., the expediency of declaring the decennial settlement permanent, and appointing officers on the part of Government, to collect the internal duties on commerce.

The following appears to me to be Mr. Shore's principal objections to a permanent assessment:— that we do not possess a sufficient knowledge of the actual collections made from the several districts, to enable us to distribute the assessment upon them, with the requisite equality:—that the demands of the zemindars upon the talookdars and ryots, are undefined; and even if we did possess a competent knowledge of the adove points, there are peculiar circumstances attending this country, which must ever render it bad policy in the Government, to fix their demand upon the lands.

I shall now offer such remarks as occur to me on the facts and arguments adduced by Mr. Shore, in support of the above objections:—

Mr. Shore observes, that we profess to take from the zemindars nine-tenths of their receipts; and, under these circumstances, allowing for the common variations in the state of society, in the improvement, and in the decline of agriculture, and admitting the probable alterations in the value of silver, it is certain that the constancy of the assessment may be of great inconvenience, and even ruinous to many of the contributors: and, in this case, that there will be a necessity of some future alteration, which must always take place to

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the disadvantage of Government, if the assessment be now declared fixed for ever.

Were there any grounds for supposing that a system which secures to the land-holder the possession of his lands, and the profits arising from the improvement of them, will occasion a decline in agriculture, then might we apprehend that a permanent assessment would, in a progress of time, bear hard upon the contributors : but reason and experience justify the contrary supposition : in which case a fixed assessment must be favourable to the contributors, because their resources will gradually increase, whereas the demand of Government will continue the same.

Equally favourable to the contributors, is the probable alteration in the value of silver ; for there is little doubt, but that it will continue to fall, as it has done for centuries past, in proportion as the quantity drawn from the mines, and thrown into the general circulation, increases. If this be admitted, the assessment will become gradually lighter, because, as the value of silver diminishes, the land-holder will be able, upon an average, to procure the quantity which he may engage to pay annually to Government, with a proportionably smaller part of the produce of his lands, than he can at present.

The circumstance of the country being occasionally liable to drought and inundation, which Mr. Shore adduces as an argument against a permanent assessment, appears to me strongly in favour of it. The losses arising from drought and inundation are partial and temporary ; the crops only are damaged or destroyed ; the land is neither swept away by inundation, nor rendered barren by drought, but, in the ensuing year, produces crops as plentiful as those which it would have yielded, had it not been visited by those calamities.

Now, if Mr. Shore's calculation of the proportion which the zemindars in general receive of the produce of their lands be

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accurate it is obvious that every temporary loss must fall upon Government; for so long as we profess to leave the zemindars no more than that proportion, and claim a right to appropriate the excess to the public use, from what funds are they to make these losses good? But when the demand of Government is fixed, an opportunity is afforded to the land-holder of increasing his profits, by the improvement of his lands; and we may reasonably expect that he will provide for occasional losses from the profits of favourable seasons.

The necessity, therefore, of granting remissions to the land-holders, for temporary losses, will diminish in proportion as the produce of the lands increases, and exceeds the demand of Government,

But let us suppose that hereafter it should be found necessary to grant remissions in districts which may suffer from drought or inundation, this is no argument against a permanent assessment; for, under the present system of variable assessments, we are frequently obliged to grant considerable deductions on these accounts, and there is no prospect of our being able to discontinue them, so long as the country is assessed at its full value, and no more is left to the land-holder than is barely sufficient for his subsistence, and for defraying the charges of collecting the rents from his lands.

There is this further advantage to be expected from a fixed assessment, in a country subject to drought and inundation, that it affords a strong inducement to the land-holder to exert himself to repair as speedily as possible the damages which his lands may have sustained from these calamities; for it is to be expected that when the public demand upon his lands is limited to a specific sum, he will employ every means in his power to render them capable of again paying that sum, and as large a surplus as possible, for his own use. His ability to raise money to make these exertions, will be proportionably increased by the additional value which the limitation of the public demand will stamp upon his landed property:

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the reverse of this is to be expected, when the public assessment is subject to unlimited increase.

I am of opinion therefore, that there is no reason to apprehend a greater deficiency in the public revenue, from drought and inundation, when the assessment is fixed, than we have hitherto sustained, under the system of variable assessments; on the contrary, that we have very sufficient grounds for supposing that the necessity for granting remissions on these accounts will become gradually less. It further appears to me that the practice of heaping up the public revenue, by charging occasionally the improved estate of one land-holder with deficiencies in the public revenue assessed upon the lands of his neighbour, is both unjust and impolitic; and that until this practice is discontinued, both the land-holders and their under-tenants and ryots, will in general remain in a state of impoverishment, and that landed property will continue at its present depreciated value.

Mr. Shore observes, that the zemindars are ignorant of their true interests, and of all that relates to their estates: —That the detail of business with their tenants is irregular and confused, exhibiting an intricate scene of collusion, opposed to exaction, and of unlicensed demand substituted for methodized claims:—that the rules by which the rents are demanded from the ryots, are numerous; arbitrary, and indefinite:—that the officers of Government possessing local control, are imperfectly acquainted with them, whilst their superiors, further removed from the detail, have still less information:—that the rights of the talookdars dependent on the zemindars, as well as of the ryots, are imperfectly understood and defined:—that in common cases, we often want sufficient data and experience to enable us to decide, with justice and policy, upon claims to exemption from taxes; and that a decision erroneously made, may be followed by one or other of these consequences,—a diminution of the revenues of Government or a confirmation of oppressive exaction:—that no one is

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so sanguine as to expect, that the perpetration of the zemindary assessment, will at once provide a remedy for these evils; that time must be allowed for the growth of confidence, and the acquisition of knowledge:—that we know from experience what the zemindars are, and that he is not inclined in opposition to that experience, to suppose that they will at once assume new principles of action, and become economical landlords and prudent trustees of the public interests.

With regard to the ignorance and incapacity of the zemindars, admitting these defects to exist in that class of people to the extent supposed, I have already given it as my opinion, that they are to be attributed greatly to the system of collecting the public revenue from their lands, which so long prevailed in this country: to keep them in a state of tutelage, and to prohibit them from borrowing money, or disposing of their lands, without the knowledge of Government, as we do at present, with a view to prevent them suffering the consequences of their profligacy and incapacity, will perpetuate these defects. If laws are enacted which secure to them the fruits of industry and economy, and at the same time, leave them to experience the consequence of idleness and extravagance; they must either render themselves capable of transacting their own business, or their necessities will oblige them to dispose of their lands to others, who will cultivate and improve them. This I conceive to be the only effectual mode which this or any other Government could adopt to render the proprietors of the lands economical landlords, and prudent trustees of the public interests.

I must here observe, however, that the charge of incapacity can be applied only, to the proprietors of the larger zemindaries. The proprietors of the smaller zemindaries, and talooks in general, conduct their own business; and I make no doubt would improve their lands, were they exempted from the authority of the zemindars, and allowed to pay their revenue immediately to the public treasuries of the Collectors.

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Admitting the detail of business between the zemindars and their under-tenants and ryots, to be in the intricate state described by Mr. Shore, does it not prove that the various attempts hitherto made by successive administrations to simplify this intricacy, have been defective in principle, and consequently establish the necessity of having recourse to other measures for that purpose? We have found that the numerous prohibitory orders against the levying of new taxes, accompanied with threats of fine and punishment for the disobedience of them, have proved ineffectual; and, indeed, how could it be expected, that whilst the Government were increasing their demands upon the zemindars, that they in their turn would not oppress the ryots; or that a farmer, whose interest extended little further than to the crops upon the ground, would not endeavour to exact, by every means in his power, as large a sum as possible, over and above the amount of his engagements with the public.

If the officers of Government possessing local control, are imperfectly acquainted with the rules by which the rents are demanded from the ryots, and their superiors further removed from the detail, have still less information of them, at what period are we to hope that Government and its officers, will obtain a more perfect knowledge of them? The Collectors have now been three years acting under positive instructions, to obtain the necessary information for concluding a permanent settlement. They have transmitted their reports; and if the information contained in them, and the numerous discussions on the same points, recorded on the proceedings of former administrations, are insufficient for us to act upon; at what period, and from whom, are we to expect to procure more perfect materials? Most of the Collectors who have furnished the last reports, are now upon the spot, and are the persons best qualified for carrying into execution the system which we may adopt. It is to be supposed that they have communicated all the information which they possessed; and no further lights are therefore to be expected from them. Shall we act upon

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this information, or shall we wait for other Collectors and fresh reports; or shall we calmly sit down discouraged by the difficulties which are supposed to exist, and leave the revenue affairs of this country, in the singular state of confusion in which they are represented to be by Mr. Shore?

In order to simplify the demand of the land-holder upon the ryots, or cultivator of the soil, we must begin with fixing the demand of Government upon the former; this done, I have little doubt but that the land-holders will without difficulty be made to grant Pottahs to the ryots upon the principles proposed by Mr. Shore in his propositions for the Bengal settlement. The value of the produce of the land, is well known to the proprietor or his officers, and to the ryot who cultivates it; and is a standard which can always be reverted to by both parties, for fixing equitable rates.

Mr. Shore, in his Minute prefixed to his propositions for the Bengal settlement, has furnished the most satisfactory arguments, to prove the incompetency of the officers of Government to enter into this detail, with any prospect of success. He observes, "That it would be endless to attempt the subordinate variations, in the tenures or conditions of the ryots: that it is evident, in a country where discretion has so long been the measure of exaction, where the qualities of the soil and the nature of the produce, suggest the rates of the rents; where the standard of measuring the land varies, and where endless and often contradictory customs exist, in the same district and village; the task must be nearly impossible; that the Collector of Rajeshahy observes upon the subject, that the infinite varieties of soil, and the further variations of value, from local circumstances, are absolutely beyond the investigation, or almost comprehension, not merely of a Collector, but of any man who has not made it the business of his life."

It is evident therefore, that the only mode of remedying these evils, which is likely to be attended with success, is to establish such rules as shall oblige the proprietors of the soil,

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and their ryots, who alone possess the requisite information for this purpose, to come to a fair adjustment of the rates to be paid for the different kinds of lands or produce in their respective districts. Mr. Shore's proposition, that the rents of the ryots, by whatever rule or custom they may be demanded, shall be specific as to their amount,—that the land-holders shall be obliged, within a certain time, to grant Pottahs or writings to their ryots, in which this amount shall be inserted, and that no ryot shall be liable to pay more than the sum actually specified in his Pottah, if duly enforced by the Collectors,—will soon obviate the objection to a fixed assessment, founded upon the undefined state of the demands of the land-holders upon the ryots.

When the spirit of improvement is diffused throughout the country, the ryots will find a further security in the competition of the land-holders, to add to the number of their tenants.

It is no objection to the perpetuation of the zemindary assessment, that it will not at once provide a remedy for those evils: it is sufficient if it operates progressively to that end.

Mr. Shore observes, that we have experience of what the zemindars are; but the experience of what they are, or have been, under one system, is by no means the proper criterion to determine what they would be under the influence of another, founded upon very different principles. We have no experience of what the zemindars would be under the system which I recommend to be adopted.

I agree with Mr. Shore, that some interference on the part of Government, is undoubtedly necessary for effecting an adjustment of the demands of the zemindars upon the ryots; nor do I conceive that the former will take alarm, at the reservation of this right of interference, when convinced that Government can have no interest in exercising it but for the purposes of public justice. Were the Government itself to be a party in the cause, they might have some grounds for apprehending the results of its decisions.

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Mr. Shore observes, that this interference is inconsistent with proprietary right; that it is an encroachment upon it, to prohibit a landlord from imposing taxes upon his tenant; for it is saying to him, that he shall not raise the rents of his estates; and that if the land is the zemindar's it will only be partially his property, whilst we prescribe the quantum which he is to collect, or the mode by which the adjustment is to take place between the parties concerned.

If Mr. Shore means, that after having declared the zemindar proprietor of the soil, in order to be cosistent, we have no right to prevent his imposing new abwabs, or taxes, on the lands in cultivation, I must differ with him in opinion, unless we suppose the ryots to be absolute slaves of the zemindars: every bega of land possessed by them, must have been cultivated under an express or implied agreement, that a certain sum should be paid for each bega of produce, and no more. Every abwab, or tax, imposed by the zemindar over and above that sum, is not only a breach of that agreement, but a direct violation of the established laws of the country. The cultivator therefore, has in such case, an undoubted right to apply to Government for the protection of his property; and Government is at all times bound to afford him redress. I do not hesitate therefore to give it as my opinion, that the zemindars neither now nor ever, could possess a right to impose taxes or abwabs upon the ryots; and if from the confusions which prevailed towards the close of the Mogul Government, or neglect, or want of information, since we have had the possession of the country, new abwabs have been imposed by the zemindars or farmers; that Government has an undoubted right to abolish such as are oppressive, and have never been confirmed by a competent authority; and to establish such regulations as may prevent the practice of like abuses in future.

Neither is the Privilege which the ryots in many parts of Bengal enjoy, of holding possession of the spots of land which

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they cultivate, so long as they pay the revenue assessed upon them, by any means incompatible with the proprietary rights of the zemindars. Whoever cultivates the land, the zemindars can receive no more than the established rent, which in most places is fully equal to what the cultivator can afford to pay. To permit him to dispossess one cultivator, for the sole purpose of giving the land to another, would be vesting him with a power to commit a wanton act of oppression, from which he could derive no benefit. The practice that prevailed under the Mogul Government, of uniting many districts into one zemindary, and thereby subjecting a large body of people to the control of one principal zemindar, rendered some restriction of this nature absolutely necessary. The zemindar, however, may sell the land; and the cultivators must pay the rent to the purchaser.

Neither is prohibiting the land-holder to impose new abwabs or taxes on the land in cultivation, tantamount to saying to him, that he shall not raise the rents of his estates. The rents of an estate are not to be raised by the imposition of new abwabs or taxes on every bega of land in cultivation; on the contrary, they will in the end, be lowered by such impositions: for when the rate of assessment becomes so oppressive as not to leave the ryot a sufficient share of the produce for the maintenance of his family, and the expenses of cultivation, he must at length desert the land. No zemindar claims a right to impose new taxes on the land in cultivation; although it is obvious that they have clandestinely levied them, when pressed to answer demands upon themselves, and that these taxes have, from various causes, been perpetuated to the ultimate detriment of the proprietor who imposed them.

The rents of an estate can only be raised, by inducing the ryots to cultivate the more valuable articles of produce, and to clear the extensive tracts of waste land, which are to be found in almost every zemindary in Bengal. It requires no local

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knowledge of the revenues of this country, to decide, whether fixing the assessment, or leaving it liable to future increase, at the discretion of Government or its officers, will afford the greatest encouragement to the land-holder to have recourse to these means for the improvement of his estate.

In support of the opinion which I expresssd upon a former occasion, respecting the large proportion of waste land in the Company's territories, I have annexed some extracts from the correspondence of the Collector in the Dacca Province, &c.; and whoever will take the trouble to consult the public proceedings, will find there are many districts, both in Bengal and Behar, which are not better cultivated than those alluded to in letters of the above mentioned Collectors.

It does not appear to me, that the regulations for the new settlement, confirm all existing taxes, if, upon enquiry, they shall appear to be unauthorized, and of recent imposition; nor that the zemindars will be entitled to deductions, upon the abolition of them.

With regard to the rates at which landed property transferred by public sale, in liquidation of arrears, and it may be added, by private sale or gift, are to be assessed; I conceive that the new proprietor has a right to collect more than what his predecessor was legally entitled to, for the act of transfer certainly gives no sanction to illegal impositions. I trust however, that the due enforcement of the regulation for obliging the zemindars to grant Pottahs to their ryots, as proposed by Mr. Shore, will soon remove this objection to a permanent settlement. For whoever becomes a proprietor of land after these Pottahs have been issued, will succeed to the tenure under the condition, and with the knowledge, that these Pottahs are to be the rules by which the rents are to be collected from the ryots.

With respect to the talookdars, I could have wished that they had been separated entirely from the authority of the zemindars, and that they had been allowed to remit the public

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revenue assessed upon their lands immediately to the officers of Government, instead of paying it through the zemindar, to whose jurisdiction they are subjected. The last clause in the 16th Article of Mr. Shore's propositions, which directs that the lands of the talookdars shall be separated from the authority of the zemindars, and their rents be paid immediately to Government, in the event of the zemindars being convicted of demanding more from them than they ought to pay, will afford them some security from oppression.

When the demand of Government upon the zemindars is fixed, they can have no plea for levying an increase upon the talookdars, for I conceive the talookdars in general, to have the same property in the soil as the zemindars, and that the former are to be considered as proprietors of lesser portions of land; paying their revenues to Government, through the medium of a larger proprietor, instead of remitting them immediately to the public treasury. The pernicious cosequences which must result from affording to one individual, an opportunity of raising the public revenue assessed, upon the lands of another, at his own discretion and for his own advantage, are evident ; and on this account, I was desirous that all proprietors of land, whether zemindars, talookdars, or choudries, should pay their rent immediately to the European Collector of the district, or other officer of Government, and be subject to the same general laws. The number of names upon the rent-roll will add little to the business of the Collector of a district, provided that the sum to be paid by each proprietor of land is fixed.

In support of this opinion, I have annexed some Extracts from the Proceedings of the Committee of Circuit; the members of which must have been well acquainted with the customs and practices of the Mogul Government.

These Extracts afford convincing proofs of the proprietary rights of the inferior zemindars and talookdars ; and that their being made to pay their rent through the superior zemindar of

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the district, was solely for the convenience of the Government which found it less difficult to collect the rents from one principal zemindar than from a number of petty proprietors.

They further prove, that the zemindars who sold their lands to raise money for the liquidation of the public balances, disposed of all the rights which they possessed in them, as individuals ; and that whatever authority they might exercise over them, after the sale, must have been virtually delegated to them by the Government, and not derived from themselves ; and consequently that, in separating such talookdars from the jurisdiction of the zemindars, we should not have infringed the rights of the latter, but only deviated from a practice of the Mogul Government, from which that administration itself, frequently departed ; and whose conduct, in cases of this nature, should not, I conceive, be made the rule of ours, when found to be inconsistent with the good of the community.

The temporary reduction of the tribute of the Rajah of Benares, adduced by Mr. Shore to prove that the internal arrangements which we may find it necessary to make, after fixing the jumma payable by each zemindar, may hereafter oblige us to grant remissions, and thereby diminish the public revenues, does not appear to me a case in point.

The revenue received from Benares, was at once raised from 22 to 40 lacks of rupees. The Rajah being incapable of transacting his own affairs, the management of them was vested in a naib or deputy, whose rapacity and mal-administration, together with that of his officers, occasioned a general decline in the cultivation of the country, and consequently diminished its resources. The late reform of the customs, and internal duties, gave rise to a further temporary diminution of them.

The above are the principal causes which have occasioned the reduction in the revenues in Benares ; but as it is obvious, that similar causes will not exist either in Bengal or Behar, no arguments against fixing the assessment in these provinces,

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can be founded upon this temporary deficiency in the revenues of Benares.

Still less can any just conclusions be drawn against fixing the demand of Government upon the lands, from the instance of the settlement made last year in Midnapore, by the present Collectors. Mr. Shore observes, that if this assessment, formed upon documents of the greatest probable authenticity, had been declared permanent, the collection of it, if enforced, would have reduced many of the talookdars to distress, and some to ruin.—That, are we not as likely, or more so, to err, in the distribution of the assessment upon Collectorships, as upon the subdivisions of a particular district?

How far this reasoning is applicable to the settlement which we are about to conclude in the districts of Bengal, will appear from a reference to our Proceedings regarding Midnapore.

The canongoe of that district delivered in accounts, in which the gross produce of the country was estimated, to be nearly double the amount of the revenue collected from it, on the account of Government. The supposed profits of the landholders, after making allowance for their charges in collecting the rents, were thought larger than what they were entitled to; and measures were taken to appropriate a part of them to the public use.

A considerable increase was accordingly imposed on the country, and the canongoe, through whom the accounts of the produce were obtained, pledged himself to become responsible, should the produce of any district fall short of his estimates.

It appears from the Collector's report, referred to in Mr. Shore's Minute of the 25th November last, that the collection of this settlement was made with much difficulty, and that it was attended with great distress, entailing indigence on the renters of Mineehourah, Kookulpour, and Boccamootah; and that in the two last districts, after the mofussil assets had

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been completely collected, there remained a balance due from those mehals, which, it was pretty well known, was discharged by the sale of effects, and the mortgaging of rent-free lands.

The Collector further represented, that the canongoe's estimates had, in many places, proved fallacious, that the assessment was too high, and that there was an absolute necessity for lowering it, in the ensuing year; he was accordingly directed to repair to Calcutta; and after the accounts which he brought with him, were carefully examined we judged it expedient to grant him a general authority to propose such remissions in the assessment, as might appear to him necessary.

I confess, my expectations were never sanguine, that this settlement would be realized without distress to the numerous zemindars and talookdars, who are proprietors of the lands in Midnapore; and it is my opinion, that every attempt of this nature, to appropriate to the use of Government the profits of the land-holders, allowing them only what, upon an arbitrary average estimate, is deemed sufficient for their maintenance and defraying the necessary charges of collecting the rents of their estates, will end in disappointment to Government, ruin to the proprietors of the soil, and in the establishment of mutual distrust.

The history of this settlement, may be traced upon the public proceedings: and, I trust, that the state to which it has reduced many of the land-holders, will suggest to the Court of Directors very strong arguments in favour of a permanent assessment, and prove to them the justness of Mr. Shore's own observation: "That the mere admission of the rights of the zemindars, unless followed by the measures that will give value to it, will operate but little towards the improvement of the country; that the demands of a foreign dominion, like ours, ought certainly to be more moderate, than the impositions of the native rulers, and that to render the value of what we possess permanent, our demands ought to be

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fixed: that, removed from the control of our own Government the distance of half the globe, every practicable restriction should be imposed upon the administration in India, without circumscribing its necessary power; and the property of the inhabitants be secured against the fluctuations of caprice, or the license of unrestrained control."

The principles which influenced the conclusion of this settlement, I am happy to say, have not found admission among those which are to regulate the formation of the future settlement of the districts in Bengal; and consequently, I trust that we shall not be subjected to the same disappointment which we heve experienced in Midnapore.

Mr. Shore admits the general principle of the inexpediency of the total of the public assessment being increased at any future settlement; but the adoption of his proposition to correct periodically the inequalities that may appear in the proportions which are paid by the individual land-holders, would, in my opinion, be attended with almost every discouragement and mischievous effect that the annual farming system could be supposed to produce.

No previous assurances, however solemn, could convince the zemindars, that Government would, at the expiration of their leases, be contented with less than the highest rent that could be exacted from their lands; and even if experience should prove to them, that the intention of laying an additional assessment upon the most wealthy, went no further than to indemnify the public treasury for the losses that had been sustained by deficiencies in the rents of others, it would be vain to expect them to admit the justice of the principle, that the industrious man should be taxed in proportion to the idleness and mismangement of his neighbours; or, if they admitted it, to persuade them that the shares of those deficiencies had been fairly and impartially distributed; and I must confess, that I do not think that a Government, or a set of Collectors, will never exist in this country, that would be

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qualified, at the end of a ten years' lease, to discriminate the acquisitions of fortune, which had arisen from advantageous agreements, from those that had been produced, by the superior economy and industry of other proprietors; and consequently, that to proportion a general assessment upon that principle, would be absolutely impracticable.

Although the zemindars and other land-holders in this country, are in general extremely improvident, and from their having been hitherto harassed with annual assessments, would no doubt receive a ten years' settlement with much satisfaction; yet short-sighted as they are, I cannot by any means admit, that they would not clearly see a wide difference between a tenure of short duration and a perpetuity. But should it even happen, in the first moments of their joy, that they could lay aside all apprehensions of meeting with vexations in future settlements, they would infallibly recollect themselves, when their leases approached within three or four years of a conclusion; and as the same pernicious effects would then follow, that are now experienced annually, they would endeavour to give themselves an appearance of poverty, by concealing the wealth that they might have acquired, and to depreciate the value of their lands, by neglecting their cultivation, in hopes of obtaining by those means, more advantageous terms, at an ensuing settlement; and these consequences, by withdrawing the application of certain portions of stock and industry, must operate for a tine, to the general detriment of the State.

I trust, however, that it cannot be imagined that I would recommend that the proposed settlements should be made with a blind precipitation; or without our having obtained all the useful information that, in my opinion, can be expected of the real state and value of the differnt districts.

Twenty years have been employed in collecting information.—In 1769, Supervisors were appointed;—in 1770, provincial Councils were established;—in 1772, a Committee of Cir-

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cuit was deputed to make the settlement, armed with all the powers of the Presidency;—in 1776, Aumeens were appointed to make a hustabood of the country;—in 1781, the provincial Council of revenue were abolished, and Collectors were sent into the several districts, and the general Council and management of the revenues, was lodged in a Committee of revenue at Calcutta, under the immediate inspection of Government. Like our predecessors, we set out with seeking for new information; and we have now been three years in collecting it. Voluminous reports have been transmitted by the several Collectors, on every point which was deemed of importance. The object of these various arrangements has been, to obtain an accurate knowledge of the value of the lands, and of the rules by which the zemindars collect the rents from the ryots.

The Collectors in Behar, not even excepting the two to whom Mr. Shore alludes as having declared it impracticable to make the proposed settlement, have already, with great appearance of benefit to the Company, and of advantage to the Natives, made considerable progress in executing the instructions that they have received for making the ten years' settlement, conformable to the orders of the Court of Directors; and in every instance where it has been stated, that further time was necessary to acquire a minute knowledge of the resources of any particular district, the Board has readily acquiesced, in allowing a partial delay.

I shall certainly be no less inclined to recommend the observation of the same rule, during the progress of the settlement in Bengal and Orissa; and in those districts that, from long mismanagement, are evidently in a state of decline and disorder, I shall not only willingly agree to postpone the settlement for a twelve month longer, but also assent to any modifications in it that may appear to be applicable to their present conditions. But after having adopted those and such other measures as may appear necessary, from the

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reports and explanations which may be laid before us by the different Collectors, whilst they are engaged in the execution of our instructions, I must declare, that I am clearly of opinion, that this Government will never be better qualified, at any given period whatever, to make an equitable settlement of the land-revenue of these provinces; and that if the want of further information was to be admitted now, or at any other future period, as a ground for delaying the declaration of the permanency of the assessment, the commencement of the happiness of the people and of the prosperity of the country, would be delayed for ever.

The question that has been so much agitated in this country, whether the zemindars and talookdars are the actual proprietors of the soil, or only officers of Government, has always appeared to me to be very uninteresting to them; whilst their claim to a certain percentage upon the rents of their lands, has been admitted, and the right of Government to fix the amount of those rents at its own discretion, has never been denied or disputed.

Under the former practice of the annual settlement, zemindars who have either refused to agree to pay the rents that have been required, or who have been thought unworthy of being intrusted with the management, have, since our acquisition of the Dewanny, been dispossessed in numberless instances, and their land held khas, or let to a farmer; and when it is recollected that pecuniary allowances have not always been given to dispossessed zemindars in Bengal, I conceive that a more nugatory or delusive species of property could hardly exist.

On the other hand, the grant of these lands at a fixed assessment, will stamp a value upon them hitherto unknown; and, by the facility which it will create of raising money upon them, either by mortgage or sale, will provide a certain fund for the liquidation of public or private demands, or prove an incitement to exertion and industry, by securing the fruits of those qualities in the tenure, to the proprietor's own benefit.

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I now come to the remaining point upon which I have differed with Mr. Shore; viz., the expediency of taking into the hands of Government, the collection of the internal duties on commerce; and allowing to the zemindars and others, by whom these duties have been hitherto levied, a deduction adequate to the amount which they now realize from them.

Mr. Shore's propositions for the settlement of Bengal, will point out his sentiments regarding the collection of the internal duties; and I believe it was principally at my instance, that he acquiesced in the resolution for taking the collection of these duties into the hands of Government, in Behar, as entered on our proceedings of the 18th September last.

It was by my desire, also, that similar instructions were issued to the Collector of Midnapore.

To those who have adopted the idea, that the zemindars have no property in the soil, and that Government is the actual landlord, and that the zemindars are officers of Government removeable at pleasure; the question regarding the right of the zemindars to collect the internal duties on commerce, would appear unnecessary. The committing the charge of the land-revenues to one officer, and the collection of the internal duties to another, would to them appear only a deviation from the practice of the Mogul Government, and not an infringement of the rights of individuals; but what I have already said will be sufficient to show, that these are not the grounds upon which I have recommended the adoption of the measure.

I admit the proprietary rights of the zemindars, and that they have hitherto held the collection of the internal duties; but this privilege appears to me so incompatible with the general prosperity of the country, that however it may be sanctioned by long usage, I conceive there are few who will not think us justifiable in resuming it.

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It is almost unnecessary to observe, how much the prosperity of this country depends upon the removal of all obstructions, both to its internal and foreign commerce. It is from these resources only, that it can supply the large proportions of its wealth, which are annually drained from it, both by the Company and by individuals.

The rates by which the internal duties are levied, and the amount of them collected in each zemindary, have, as far as I have been able to trace, never been ascertained: when the lands of the zemindars have been leased out to farmers, these duties have been collected by them.

It is, I believe, generally allowed, that no individual in a state, can possess an inherent right to levy a duty on goods or merchandize purchased or sold within the limits of his estate, and much less upon goods passing along the public roads which lead through it. This is a privilege which the sovereign power alone is entitled to exercise, and no where else can it be lodged with safety. Every unauthorized exaction levied on the goods of a merchant, and every detention of them in their progress through the country, is a great public injury. The importation of foreign commodities, and the exportation of our own, are alike obstructed; for accumulated exactions, by raising the price, diminish the consumption of the commodity, and the merchant is under the necessity either to give up his trade, or to go to other countries, in search of the same goods. It cannot be expected that a zemindar will be influenced by these considerations, and much less a temporary farmer, whose only object can be to exact from the cultivators of the soil, as well as from merchants and traders, as much as he can compel them to pay.

The Court of Directors themselves appear to have been of this opinion, from the following paragraph of their letter of the 10th April, 1771:—

"As we have reason to believe that many bazaars are held in the provinces, without the authority of Government, and

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which must be an infringement of its right, a great detriment to the public collection, and a burden and oppression on the inhabitants ; you will take care that no bazzars or gunges be kept up, but such as particularly belong to the Government.—Bnt in such bazzars and gunges, the duties are to be rated in such manner as their situations, and the flourishing state of the respective districts will admit."

And in the same letter, they observe :—"Persuaded as we are that the internal traffic of Bengal has received further checks from the duties which are levied, and the exactions which are imposed at chokies, we positively direct, that no such chokies be suffered to continue, on any pretence whatever, to impede the course of commerce from one part of the province to the other. It is necessary, however, that the nine general chokies which have been established for collecting the duties payable to the Circar, should remain, and these only."

The chokies stationed upon the banks of the rivers to collect duties on boats, on the part of the zemindars, were directed to be abolished, in consequence of the Company's orders, and adequate deductions were granted to the zemindars ; but the duties levied at the hauts, gunges, and inland chokies, were ordered to be continued, in the hands of the zemindars as formerly. The zemindars were also prohibited from collecting inland rahdarry duties, that is, duties upon goods not brought or sold within their zemindaries, but only passing through them. Notwithstanding this prohibition has been frequently repeated, our proceedings exhibit numerous instances of these rahdarry duties being levied by zemindars and farmers ; and from opportunities which are afforded them, by having the collection of the authorized inland duties in their hands, I have every reason to believe that the practice is but too general. I understand that the Collector of Nuddea has lately abolished a very considerable number of chokies, at which unauthorized duties were collected on

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the internal trade, by the officers of the zemindar, in defiance of the repeated orders of Government. If these interruptions to commerce, are found to exist in a district almost in the neighbourhood of Calcutta, and under a vigilant Collector, it may be supposed that, in the more inland parts of the country, and under Collectors less active, that the evil prevails to a greater extent.

The inefficacy of the power of Government to restrain zemindars from these oppressive exactions, whilst they are allowed to possess the right of levying taxes of any kind upon commerce, has been long experienced in many shapes. It is only by the total resumption of this right, that such abuses can be prevented; and as the general interests of the community require that a regular system of taxation upon the internal trade of the country, should be established, we are justified by the constant practice of our own country, and that of other nations, in demanding from individuals, upon granting them a full compensation for their present value, a surrender of privileges which counteract so beneficial a measure.

Further benefits are to be derived from this arrangement when the amount of the internal duties, the rates by which they are levied, and the articles subject to the payment of them are ascertained. Some may be increased, and others diminished or struck off, according as may be judged advisable; and in course of time, as commerce and wealth increase, such regulations may be made in the duties on the internal trade, and the foreign imports and exports, as will afford a large addition to the income of the public, whenever its necessities may require it, without discouraging trade or manufactures or imposing any additional rent on the lands.

Having stated such remarks on Mr. Shore's Minute as appeared to me necessary, I shall subjoin the following observations on the revenue system of this country, which may be found deserving of consideration;—

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Although Government has an undoubted right to collect a portion of the produce of the lands to supply the public exigencies, it cannot, consistent with the principles of justice and policy, assume to itself a right of making annual or periodical valuations of the lands, and taking the whole produce, except such portion as it may think proper to relinquish to the proprietors for their maintenance, and for defraying the charges of managing their estates.

The Supreme power in every State, must possess the right of taxing the subject, agreeably to certain general rules; but the practice which has prevailed in this country for some time past, of making frequent valuations of the lands, and where one person's estate has improved, and another's declined, of appropriating the increased produce of the former, to supply the deficiencies in the latter, is not taxation, but in fact a declaration that the property of the land-holder is, at the absolute disposal of Government. Every man who is acquainted with the causes which operate to impoverish or enrich a country, must be sensible that our Indian territories must continue to decline, as long as the practice is adhered to.

The maxim that equality in taxation is an object of the greatest importance, and that in justice all the subjects of a State should contribute as nearly as possible, in proportion to the income which they enjoy under its protection does not prove the expediency of varying the demand of Government upon the lands; on the contrary, we shall find that, in countries in which this maxim is one of the leading principles in the imposition of taxes, the valuation of the land on which they are levied is never varied.

In raising a revenue to answer the public exigencies, we ought to be careful to interfere as little as possible in those sources from which the wealth of the subject is derived.

Agriculture is the principal source of the riches of Bengal; the cultivator of the soil furnishes most of the materials for its numerous manufactures. In proportion as agriculture

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declines, the quantity of these materials must diminish, and the value of them increase, and consequently the manufactures must become dearer, and the demand for them be gradually lessened. Improvement in agriculture will produce the opposite effects.

The attention of Government ought therefore to be directed to render the assessment upon the lands, as little burdensome as possible: this is to be accomplished only by fixing it. The proprietor will then have some inducement to improve his lands; and as his profits will increase in proportion to his exertions, he will gradually become better able to discharge the public revenue.

By reserving the collection of the internal duties on commerce, Government may at all times appropriate to itself, a share of the accumulating wealth of its subjects, without their being sensible of it. The burden will also be more equally distributed; at present, the whole weight rests upon the land-holders and cultivators of the soil.

Whereas the merchants and inhabitants of the cities and towns, the proprietors of rent-free lands, and in general, all persons not employed in the cultivation of the lands, paying revenue to Government, contribute but little, in proportion to their means, to the exigencies of the State. It is evident, therefore, that varying the assessment on the lands, is not the mode of carrying into practice the maxim, that all the subjects of a State ought to contribute to the public exigencies, in proportion to their incomes; and that other means must be employed for effecting this object.

In case of a foreign invasion, it is a matter of the last importance, considering the means by which we keep possession of this country, that the proprietors of the lands should be attached to us, from motives of self-interest. A land-holder, who is secured in the quiet enjoyment of a profitable estate, can have no motive for wishing for a change. On the contrary if the rents of his lands are raised, in proportion to their improvements,—if he is liable to be dispossessed, should

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he refuse to pay the increase required of him,— or if threatened with imprisonment or confiscation of his property, on account of balance due to Government, upon an assessment which his lands were unequal to pay; he will readily listen to any offers which are likely to bring about a change that cannot place him in a worse situation, but which hold out to him hopes of a better.

Until the assessment on the lands is fixed, the constitution of our internal Government in this country, will never take that form which alone can lead to the establishment of good laws, and ensure a due administration of them. For whilst the assessment is liable to frequent variation, a great portion of the time and attention of the Supreme Board, and the unremitted application of the Company's servants of the first abilities, and most established integrity will be required to prevent the land-holders being plundered, and the revenues of Government diminished, at every new settlement; and powers and functions, which ought to be lodged in different hands, must continue as at present, vested in the same persons; and whilst they remain so united, we cannot expect that the laws which may be enacted for the protection of the rights and property of the land-holders, and cultivators of the soil, will ever be duly enforced.

We have, by a train of the most fortunate events, obtained the dominion of one of the most fertile countries on the face of the globe, with a population of mild and industrious inhabitants, perhaps equal to, if not exceeding in number, that of all the other British possessions put together.

Its real value to Britain, depends upon the continuance of its ability to furnish a large annual investment to Europe; to give considerable assistance to the treasury at Canton; and to supply the pressing and extensive wants of the other Presidencies.

The consequences of the heavy drains of wealth, from the above causes, with the addition of that which has been occasioned by the remittance of the private fortunes, have

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been for many years past, and are now severely felt, by the great diminution of the current specie, and by the langour which has thereby been thrown upon the cultivation, and the general commerce of the country.

A very material alteration in the principles of our system of management, has therefore become indispensably necessary, in order to restore this country to a state of prosperity, and to enable it to continue to be a solid support to the British interests and power, in this part of the world.

We can only accomplish this desirable object, by devising measures to rouse and increase the industry of the inhabitants; and it would be in vain to hope that any means but those of holding forth prospects of private advantage to themselves, could possibly succeed to animate them to exertion.

I am sorry to be obliged to acknowledge it, but it is a truth too evident to deny, that the land proprietors throughout the whole of the Company's provinces, are in a general state of poverty and depression.

I cannot even except the principal zemindars from this observation; and it was not without concern, that I saw it verified very lately, in one instance, by the Rajah of Burdwan, who pays a yearly rent of upwards of £ 400,000 to Government, having allowed some of his most valuable lands to be sold, for the discharge of an inconsiderable balance due to Government.

The indolent and debased character of many of the zemindars, must no doubt have contributed to the ruin of their circumstances; and though I am afraid the cases are but few, yet I conceive it to be possible that there may be some instances, in which the poverty that is pleaded may be only pretended.

Either supposition must, however, reflect some discredit upon our system of management; for it would imply, that we have been deficient in taking proper measures to incite the zemindars to a line of conduct, which would produce advantage to themselves; or, that if they have acquired wealth, their apprehension of our rapacity induces them to conceal it.

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We are therefore called upon to endeavour to remedy evils by which the public interests are essentially injured; and by granting perpetual leases of the lands at a fixed assessment, we shall render our subjects the happiest people in India; and we shall have reason to rejoice at the increase of their wealth and prosperity, as it will infallibly add to the strength and resources of the State.

I therefore propose, that the letter from the Board of Revenue with the reports of the Collectors in Bengal, respecting the ten years' settlement and Mr. Shore's Minute and Proposition, delivered in for record in June last, be now entered upon the proceedings.

That a copy of Mr. Shore's Propositions (the articles relating to the gunges excepted) with such of the alterations contained in our Resolutions of the 25th November last, for the settlement of Midnapore, as are applicable to the districts in general, be transmitted to the Board of Revenue; and that they be directed to proceed, without delay, to form the ten years' settlement in Bengal, agreeable to the rules and prescriptions therein laid down.

That the Board of Revenue be directed to notify to the land-holders, that the settlement, if approved by the Court of Directors, will become permanent, and no alternation take place at the expiration of the ten years.

That the Board of Revenue be further directed to issue the same instructions to the Collectors in Bengal, for the separation of the gunges, bazars, and hauts, held within them, as have been transmitted to the Collectors of Behar, and the Collector of Midnapore.

February 3rd.

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THE GOVERNOR-GENERAL IN COUNCIL TO THE COURT OF DIRECTORS.

Fort William, March 6, 1793.

HONOURABLE SIRS,

With respect to your suggestion regarding waste lands, we do not hesitate to offer it as our opinion that any attempt to stipulate for a proportion of their produce would not only be considered a breach of the engagements entered into with the landholders, but that it would greatly counteract, if not altogether damp, that spirit of industry and improvement to excite which is the great object of fixing the tax upon each estate.

It is necessary to apprise you (of what you could not have been aware) that all waste lands form a part of the estates of the different land-holders, and the boundaries of the portions of those lands that belong to each individual are as well defined as the limits of the cultivated parts of their property, and that they are as tenacious of their right of possession in the former as the latter.

The waste lands may in general be comprehended under two descriptions. First, those in the level country which are interspersed in more or less extensive tracts amongst the cultivated lands; and secondly, the Sunderbunds (the country along the sea-shore between the Hoogly and Megna Rivers) and the foot of the vast range of mountains which nearly encircle your Bengal provinces.

The first-mentioned description of waste ground will be easily brought into cultivation when the zemindars have funds for that purpose, and provided they are certain of reaping the profit arising from the improvement. These lands, however, are not wholly unproductive to them at present. They furnish pasture for the great herds of cattle

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that are necessary for the plough, and also to supply the inhabitants with ghee (a species of butter) and milk, two of the principal necessaries of life in this country. It is true that the lands in this desolate state far exceed what would suffice for the above purposes, but it is the expectation of bringing them into cultivation, and reaping the profit of them, that has induced many to agree to the decennial jumma which has been assessed upon their lands. It is this additional resource alone which can place the landholders in a state of affluence, and enable them to guard against inundation or drought, the two calamities to which this country must ever be liable until the landholders are enabled to provide (as we are of opinion they in a great measure might) by the above-mentioned and other works of art. To stipulate with them, therefore, for any part of the produce of their waste lands would not only diminish the incitement to these great and essential improvements in the agriculture of the country, but deprive them of the means of effecting it. In addition to these weighty objections it would be necessary, in order to obtain any revenue from the waste lands of this description, to enter into innumerable and complicated scrutinies and measurements in the first instance to ascertain the proportions of waste and cultivated lands in each individual's estate and to renew them annually or occasionally to know the progress made in the cultivation of the latter. The altercations and vexatious oppressions, and the great expence which would inevitably result in settling what proportion of these waste lands should be liable to assessment and the rates at which they should be taxed, would certainly destroy all ideas of a fixed taxation, and prevent the introduction of that spirit of industry and confidence in our good faith which is expected to result from it. The landholders and cultivators of the soil would continue (as they have hitherto been) little more than the farmers and labourers upon a great estate, of which Government would be the landlord. In endeavouring, therefore, to obtain an addition to the public

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income by reserving a portion of the produce of the waste lands, Government would risk the realizing of the very ample revenue which has been assessed upon the country, and landed property would continue at the very depreciated value which it has hitherto borne.

With respect to the second description of waste lands (the lower parts of the Sunderbunders perhaps excepted) they also include the estates of the individuals with whom the settlement is made. But supposing these lands to be at the disposal of Government, as they have for the most part been covered with forest or underwood from time immemorial, and as the soil is in itself, compared with that of the open country, unproductive, and (besides the labour and expense which would attend the bringing it into cultivation) its produce would be comparatively of little value, from the distance of the high roads and navigable rivers, and the consequent difficulty of bringing it to market. We are of opinion, therefore, that whilst there is a call for all the labour not only of the present inhabitants, but of the greatest increased population that peace and prosperity can be expected to produce, to bring the waste lands in the open country into cultivation, the labour of any considerable number of people would be unprofitably bestowed upon such wild and inhospitable tracts, supposing it could be directed thereto by the grant of rewards or immunities, or by any other means. When the open country is brought into cultivation the industry of the people will then of itself be directed to these desolate tracts; but as this cannot be expected to be the case for a long period of years, we think that any premature attention to these objects that might tend in any degree to interfere with the noble system of which you have laid the foundation, would be inconsistent with good policy, and defeat the end which it might be expected to answer.

We think this a proper opportunity to observe that if at any future period the public exigencies should require an

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addition to your resources, you must look for this addition in the increase of the general wealth and commerce of the country, and not in the augmentation of the tax upon the land. Although agriculture and commerce promote each other, yet in this country, more than in any other, agriculture must flourish before its commerce can become extensive. The materials for all the most valuable manufactures are the produce of its own lands. It follows therefore that the extent of its commerce must depend upon the encouragement given to agriculture, and that whatever tends to impede the latter destroys the two great sources of its wealth. At present almost the whole of your revenue is raised upon the lands and any attempt to participate with the landholders in the produce of the waste lands would (as we have said) operate to discourage their being brought into cultivation, and consequently prevent the augmentation of articles for manufacture or export. The increase of cultivation (which nothing but permitting the landholders to reap the benefit of it can effect) will be productive of the opposite consequences. To what extent the trade and manufactures of this country may increase under the very liberal measures which have been adopted for enabling British subjects to convey their goods to Europe at a moderate freight, we can form no conjecture. We are satisfied, however, that it will far exceed general expectation, and the duties on the import and export trade (exclusive of any internal duties which it may in future be thought advisable to impose), that may hereafter be levied, will afford an ample increase to your resources, and without burdening the people or affecting in any shape the industry of the country.

From the proceedings which we shall forward to you by the next despatch, you will find that we have anticipated your wishes respecting the pattahs to be granted by the landholders to the ryots. It is with pleasure we acquaint you that throughout the greater part of the country specific agreements have been exchanged between the landholders

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and the ryots, and that where these writings have not been entered into, the landholders have bound themselves to prepare and deliver them by fixed periods. We shall here only observe that under the new arrangements to which we shall presently advert, the ryots will always have it in their own power to compel an adherence to the agreements by an appeal to the courts of justice, whenever the landholders may attempt to infringe them.

We now come to the very important part of your instructions empowering us to declare the tax assesssed upon the lands in the provinces fixed for ever.

From the advices which we have forwarded to you since the date of the latest letter acknowledged in your instructions, you will have perceived that so far from any circumstances having occurred to defeat your reasonable expectations of the result of the settlement, the jumma of it has exceeded the estimated amount, and that every occurrence has tended to confirm and strengthen the decided opinions which we formerly expressed of the expediency of the measure. We are not aware of any material reason that would render it advisable to postpone the declaration, whereas there are a variety of considerations which appear to us to make it highly expedient that the valuable rights and tenures which you have conferred upon the landholders in these provinces should be announced to them without delay. The seasons this year have been remarkably favourable, and abundance reigns throughout the country. The public credit is high, the paper in circulations bearing an interest of 8 per cent. selling at a premium of 1 per cent., and the interest of money is proportionably low. As this paper is in course of payment, there is every ground to expect that the large capitals possessed by many of the natives (which they will have no means of employing when the public debt is discharged) will be applied to the purchase of landed property as soon as the tenure is declared to be secure, and they are capable of estimating what profit they will be certain of deriving from it by the public tax

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upon it being unalterably fixed. With respect to those landholders with whom a ten year's settlement has been concluded, the announcing to them that their jumma is fixed for ever, will not only incline them to pay their current revenue with cheerfulness, but add to their ability to discharge it by the credit which they will obtain from the increased value of their tenures. On the other hand the declaration will not fail to render the few landholders who have not entered into engagements, eager to secure to themselves the same valuable rights and privileges.

For the above reasons we should think it impolitic to delay the declaration that you have empowered us to make, the announcing of which will, we are persuaded, be considered as the commencement of the æra of improvement and prosperity in this country. We shall be particularly careful that the notification is drawn up in the manner you prescribe, and that the terms of it may be calculated to impress the landholders with the value and importance of the rights conferred upon them, and of your solicitude for their welfare and prosperity. We shall likewise, to prevent any future misconception, expressly reserve to you the right of establishing and collecting any internal duties that you may hereafter think proper to impose, and also declare your determination to assess all allienated or rent-free lands that may hereafter revert to Government, or be proved, after a regular trial in a court of justice, to be held under an invalid tenure. We shall further declare (although a clause to that effect has been inserted in the engagements with the landholders) that you do not mean, by fixing the public demand upon the lands, to debar yourselves from the exercise of the right inherent in you as sovereigns of the country, of making such regulations as you may occasionally think proper for the protection of the ryots and inferior landholders, or other orders of people concerned in the cultivation of the lands. A desire to give this notification the consideration that the importance of its

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merits, is the reason of its not having been transmitted to you by this despatch.

We now come to the close of your instructions "the watching over and maturing of this system, maintaining under future administrations the energy which has commenced it," and to the other important points detailed in the paragraphs specified in the margin.

It is with much satisfaction we acquaint you that we have endeavoured to provide for these important points, as well as for the administration of the laws and regulations in general, both civil and criminal. The arrangements which we have adopted for this purpose are contained in the accompanying copy of a minute from the Governor-General recorded in our proceedings of the 11th ultimo, and we have resolved to carry them into execution as soon as the collections for the Bengal year are brought to a close. For the reasons at large which have induced us to adopt these arrangements, as well as for the detail of them, we must refer you to the minute itself. We shall here only state some observations respecting them, as they are immediately connected with the part of your instructions above noticed.

The next object which is most essential to the prosperity of your dominions, is the providing for the due enforcement not only of the regulations respecting the decennial settlement, but of the laws and regulations in general which in any respect affect the rights or property of your subjects. You will observe from the Governor-General's minute that we have anticipated your remark (than which nothing can be more just) that the neglect of instituted regulations has been most noxious to your affairs, and we have long been of opinion that no system will ever be carried into effect so long as the personal qualifications of the individuals that may be appointed to superintend it, form the only security for the due execution of it. In this country, as in every other, security of property must be established by a system upheld by its inherent principles, and not by the men who are to have the

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occasional conduct of it. The body of the people must feel and be satisfied of this security before industry will exert itself, or the moneyed men embark their capitals in agricultural or commercial speculations. There are certain powers and functions which can never be vested in the same officers without destroying all confidence in the protection of the laws. This remark is particularly applicable to the various functions vested in the present collectors. All causes relating to the rights of the several descriptions of landholders and cultivators of the soil, and all claims arising between them and their securities, have been excepted from the cognizance of the regular courts of justice, and made exclusively cognizable by the collector of the revenue. This officer has of late years been allowed a commission of the collections, and at all times the realizing of the revenue has been considered as his most important duty, and any failure in the successful collection of it has subjected him to dismission from his office; under such circumstances it was naturally to be expected that collection of the revenue would be deemed by these officers the most important of their duties, and that all considerations of right would be made subservient to it. Where the power to redress oppressions, and functions that must always have a tendency to promote or screen the commission of them, are united in the same person, a strict adherence to the principles of justice, cannot be expected, and still less can it be hoped that the people will feel a confidence of obtaining justice. Upon these and other grounds, which are fully detailed in the Governor-General's minute, we resolved to abolish the Maal Adawluts or Revenue Courts, and to withdraw from the Board of the Revenue and the collectors, all judicial powers, thereby confining their duties and functions to the mere collections of the public dues, and to transfer the cognizance of the causes hitherto tried in these courts to the courts of justice.

For a more particular detail of the constitution of these courts we must refer you to the Governor-General's minute,

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and we shall here only observe that courts of justice are to be continued in each collectorship as heretofore, which are to be denominated *Zillah* or District Courts, and that the judge thereof is to have cognizance over civil causes of all descriptions that may arise in his jurisdiction, whether of the nature of those termed revenue causes, and hitherto tried in the Revenue Courts, or of the description of those which have been cognizable in the courts of Dewanny Adawlut. We have resolved, likewise, that the collectors of revenue and their officers, and indeed all the officers of Government, shall be amenable to the courts for acts done in their official capacities, and that Government itself, in cases in which it may be a party with its subjects in matters of property, shall submit its rights to be tried in these courts under the existing laws and regulations. That these courts may have complete authority over all persons residing in their jurisdictions, and that natives may be able to procure redress against Europeans with the same facility as the latter can obtain it against the former, we have determined that no British subject (excepting King's officers and the civil and the military covenanted servants of the Company) shall be allowed to reside beyond the limits of Calcutta, without entering into a bond to make himself amenable to the court of justice of the district in which he may be desirous of taking up his abode, in all civil causes that may be instituted against him by natives. The judges of these courts are also to be vested with the powers of magistrates to preserve the peace, and to apprehend and commit offenders to take their trials before the Courts of Circuit.

We have likewise resolved to establish four provincial Courts of Appeal at the cities of Patna, Dacca, Moorshedabad, and Calcutta; each of these courts to be superintended by three judges: an appeal to lie to them in all cases whatsoever from the decisions of the Zillah or District and the City Courts within their respective jurisdictions. The appellate jurisdiction of these courts is to extend over the

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same districts as are now comprehended in the jurisdictions of the Courts of Circuit, and are as follows:—

The city of Calcutta being under the jurisdiction of the Supreme Court of Judicature, the provincial Courts of Appeal will not have cognizance of any civil or criminal causes arising in it.

The decrees of the provincial Courts of Appeal are to be final in all causes of personal property not exceeding in value one thousand rupees, and in suits for real property being malguzary, or paying revenue to Government, where the annual produce shall not exceed five hundred rupees, and in causes for lakerage property (that no revenue to Government) where the annual produce shall not exceed one hundred. All decisions respecting personal or real property in causes exceeding the above amounts, are to be appealable to the Supreme Board as a Court of Appeal in the last resort, in their capacity of a Court of Sudder Dewanny Adawlut.

We have likewise resolved that the judges of the provincial Courts of Appeal shall be judges of Circuit in their respective divisions. In this capacity they will exercise the same powers and duties as were vested in the judges of the Courts of Circuit on the 3rd December, 1790 (whose offices will consequently be abolished), and will be subordinate to the Supreme Government in its capacity of a Nizamut Adawlut, or Superior Criminal Court. The great additional advantage, however, which will result from this arrangement is that the provincial Courts of Appeal will consist of three judges; the senior judges will go the circuit of one-half of the stations within their jurisdiction, whilst the other two perform the circuit of the remainder, and consequently the two annual gaol-deliveries will by this means be effected in one-half of the time in which they are accomplished at present by the two judges proceeding together to each station. As to the cities, we have resolved that there shall be a gaol-delivery every month, excepting during the time that the judge may be upon the circuit in the districts.

We are, &c.

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X.

The Charter Act of 1793.

In 1793, the approaching expiration of the term fixed for the duration of the Company's Government and exclusive trade rendered necessary some legislative provision to meet the event; and an Act was accordingly passed continuing both the Government and trade to the Company for a further term of twenty years, commencing from the 1st of March, 1794. The plan of Government adopted in 1784 was substantially re-enacted. The members of the Board of Commissioners had previously been unsalaried. A portion of them on whom it may be presumed the main weight of business was to devolve, were no longer to remain in so unsatisfactory a position. Some additional restraint was laid on the power of the Court of Directors to make pecuniary grants, and the Company were required to reserve a specified amount of tonnage at regulated rates of freight, for the use of private merchants, to whom the right of trading with India was now for the first time conceded; the amount to be increased, if necessary, under the orders of the Board of Commissioners. The trade with China was continued to the Company without invasion. This state of things continued undisturbed till the Session of 1813, when the battle for the retention of the government of India and of exclusive privileges of trade had again to be fought.

Thornton.

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XI.

Treaty of Bassein.

Treaty of perpetual and general defensive alliance, between the Honourable English East India Company and his Highness the Peishwa Badjee Rao Pundit Purdhaun Bahauder, his children, heirs and successors, settled by Lieutenant-Colonel Barry Close, Resident at the Court of his Highness, by virtue of the powers delegated to him by his Excellency the Most Noble Richard Marquis Wellesley Knight of the most illustrious order of Saint Patrick, one of his Britannic Majesty's Most Honourable Privy Council, Governor General in Council, appointed by the Honourable Court of Directors of the said Company to direct and controul all their affairs in the East Indies.

Whereas, by the blessing of God, the relations of peace, and friendship, have uninterruptedly subsisted for a length of time between the Honourable English East India Company and his Highness Rao Pundit Purdhaun Bahauder, and have been confirmed at different periods, by treaties of amity and union; the powers aforesaid adverting to the complexion of the times have determined, with a view to the preservation of peace and tranquillity, to enter into a general defensive alliance, for the complete and reciprocal protection of their respective territories, together with those of their several allies and dependants, against the unprovoked aggressions or unjust encroachments of all or any enemies whatever.

Article 1st.—The peace, union and friendship, so long subsisting between the two states, shall be promoted and increased by this treaty, and shall be perpetual. The friends and enemies of either, shall be the friends and enemies of both, and the contracting parties agree, that all the former treaties and agreements between the two states, now in force, and not contrary to the tenour of this engagement, shall be confirmed by it.

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Article 2nd.—If any power or state whatever, shall commit any act of unprovoked hostility or aggression against either of the contracting parties, or against their respective dependants or allies, and after due representation, shall refuse to enter into amicable explanation, or shall deny the just satisfaction or indemnity, which the contracting parties shall have required, then the contracting parties will proceed to concert and prosecute such further measures, as the case shall appear to demand.

For the more distinct explanation and effect of this agreement the Governor General in Council on behalf of the Honourable Company, hereby declares, that the British Government will never permit any power or state whatever to commit with impunity, any act of unprovoked hostility or aggression against the rights and territories of his Highness Rao Pundit Purdhaun Bahauder, but will at all times maintain and defend the same, in the same manner as the rights and territories of the Honourable Company, are now maintained and defended.

Article 3rd.—With a view to fulfil this treaty of general defence and protection, his Highness Rao Pundit Purdhaun Bahauder agrees to receive, and the Honourable East India Company to furnish, a permanent subsidiary force of not less than six thousand regular native infantry, with the usual proportion of field pieces, and European artillery-men attached, and with the proper equipment of warlike stores and ammunition, which force is to be accordingly stationed, in perpetuity in his said Highness's territories.

Article 4th.—For the regular payment of the whole expense of the said subsidiary force, his Highness Rao Pundit Purdhaun Bahauder hereby assigns and cedes in perpetuity to the Honourable East India Company, all the territories detailed in the schedule annexed to this treaty.

Article 5th.—As it may be found that certain of the territories ceded by the foregoing article to the Honourable Company, may be inconvenient from their situation, his

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Highness Rao Pundit Purdhaun Bahauder, for the purpose of rendering the boundary line of the Honourable Company's possessions, a good and well defined one, agrees, that such exchanges of talooks or lands shall be made hereafter, on terms of a fair valuation of their respective revenues, as the completion of the said purpose may require, and it is agreed and covenanted, that the territories to be assigned and ceded to the Honourable Company by the 4th article, or in consequence of the exchange stipulated eventually in this article, shall be subject to the exclusive management and authority of the said company and of their officers.

Article 6th.—Notwithstanding the total annual expence of the subsidiary force is estimated at 25 lacs of rupees, his said Highness hath agreed to cede by article 4th lands estimated to yield annually the sum of 26 lacs of rupees, the additional lac being intended to meet possible deficiencies in the revenues of the said lands, and save the Honourable Company from loss.

Article 7th.—After the conclusion of this treaty, and as soon as the British resident shall signify to his Highness Rao Pundit Purdhaun Bahauder, that the Honourable Company's officers are prepared to take charge of the districts ceded by article 4th. His Highness will immediately issue the necessary Purwannahs or orders to his officers to deliver over charge of the same to the officers of the Honourable Company, and it is hereby agreed, and stipulated that all collections made by his Highness's officers, susequently to the date of this treaty, and before the officers of the Honourable Company shall have taken charge of the said districts, shall be carried to the credit of the Honourable Company; and all claims to balance from the said districts, referring to the periods antecedent to the conclusion of this treaty, shall be considered null and void.

Article 8th.—All forts situated within the districts to be ceded as aforesaid shall be delivered to the officers of the Honourable Company with the said districts: and his

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Highness Rao Pundit Purdhaun Bahauder engages, that the said forts shall be delivered to the Honourable Company without being injured or damaged, and with their equipment of ordnance stores and provisions.

Article 9th.—Grain and all other articles of consumption, and provisions and all sorts of materials for wearing apparel together with the necessary numbers of cattle, horses and camels required for the use of the subsidiary force shall be entirely exempted from duties, and the commanding officer and officers of the said subsidiary force shall be treated in all respects in a manner suited to the dignity and greatness of both states. The subsidiary force will at all times be ready to execute services of importance—such as the protection of the person of his Highness, his heirs and successors, the overawing and chastisement of rebels, or exciters of disturbance in his Highness's dominions, and due correction of his subjects or dependants, who may withhold payment of the sircar's just claims; but it is not to be employed on trifling occasions, nor like sibundy to be stationed in the country to collect the revenues, nor against any of the principal branches of the Mahratta Empire, nor in levying contributions from Mahratta dependants in the manner of Moolkgeery.

Article 10th.—Whereas much inconvenience has arisen from certain claims and demands of the Mahratta state, affecting the city of Surat, it is agreed, that a just calculation shall be made of the value of the said claims by his Highness Rao Pundit Purdhaun Bahauder and the government of Bombay; and in consequence of the intimate friendship now established between the contracting parties, his Highness Rao Pundit Purdhaun Bahauder agrees for himself, his heirs and successors, to relinquish for ever, all the rights, claims, and privileges of the Mahratta state affecting the said city of Surat, and all collections on that account shall cease and determine from the day on which this treaty shall be concluded; in consideration of which act of friendship, the Honourable East India Company agrees,

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that a piece of land yielding a sum equal to the estimated value of the said claims of the Mahratta state, shall be deducted from the districts ceded by article 4th. And on the same principle, and from similar considerations, his Highness further agrees, that the amount of the collections made for the Poonah state, under the title of Nagabundy, in the Purgunnahs of Chourassy and Chickly shall be ascertained, by an average taken from the receipts of a certain number of years, or by such other mode of calculation as may be determined on ; and his said Highness doth further agree, for himself, his heirs, and successors, to relinquish for ever the Nagabundy collections aforesaid, and they shall accordingly cease from the conclusion of this treaty, and it is agreed and stipulated that a piece of land yielding a sum equal to the amount of the said Nagabundy collections, shall be deducted from the districts ceded by article 4th, in the same manner as stipulated in regard to the Choute of Surat.

Article 11th.—Whereas it has been usual for his Highness Rao Pundit Purdhaun Bahauder to enlist and retain in his service Europeans of different countries, his said Highness hereby agrees and stipulates, that in the event of War breaking out between the English and any European nation, and of discovery being made that any European or Europeans in his service belonging to such nation at war with the English, shall have meditated injury towards the English, or have entered into intrigues hostile to their interest, such European or Europeans, so offending, shall be discharged by his said Highness, and not suffered to reside in his dominions.

Article 12th.—Inasmuch as, by the present treaty, the contracting parties are bound in a general defensive alliance, for mutual defence and protection against all enemies, his Highness Rao Pundit Purdhaun Bahauder consequently engages, never to commit any act of personal hostility and aggression against his Highness the Nabob Asoph Jah Bahauder, or any of the Honourable Company's allies or dependants, or against any of the principal branches of the Mahratta

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Empire, or against any power whatever, and in the event of differences arising, whatever adjustment the Company's Government, weighing matters in the scale of truth and justice, may determine, shall meet with full approbation and aquiescence.

Article 13th.—And whereas certain differences, referring to past transactions, are known to subsist between the Sirkar of his Highness Rao Pundit Purdhaun Bahauder and the Sirkar of his Highness the Nabob Asoph Jah Bahauder, and whereas an amicable adjustment of those differences must be highly desirable for the welfare and benefit of both the said Sirkars, his Highness Rao Pundit Purdhaun Bahauder with a view to the above end, agrees, and accordingly binds himself, his heirs, and successors, to fulfil and conform to the stipulations of the treaty of Mahr; and his Highness Rao Pundit Purdhaun Bahauder further agrees, that on the basis of the fulfilment of the said treaty of Mahr, and of the claims of his Highness the Nabob Asoph Jah Bahauder, to be totally exempted from the payment of Choute, the Honourable Company's Government shall be entitled to arbitrate and determine all such points, as may be in doubt or difference between the Sirkars of their Highnesses above mentioned; and his Highness Rao Pundit Purdhaun Bahauder further agrees, that in the event of any differences arising between his government and that of his Highness the Nabob Asoph Jah Bahauder, at any future period, the particulars of such differences shall be communicated to the Honourable East India Company, before any act of hostility shall be committed on either side, and the said Honourable Company interposing their mediation, in a way suitable to rectitude, friendship, and union, and mindful of justice and established usage, shall apply themselves to the adjustment of all such differences, conformable to propriety and truth, and shall bring the parties to a right understanding. And it is further agreed, that whatever adjustment of any such differences the Company's Government, weighing things in the scale of truth

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and justice, shall determine, that determination shall without hesitation or objection, meet with the full approbation and acquiescence of both parties. It is however agreed, that this stipulation shall not prevent any amicable negotiations which the Honourable Company and the Courts of Poonah and Hyderabad, respectively, may be desirous of opening, provided no such negotiation shall be carried on between any of the three parties, without full communication thereof to each other.

Article 14th.—Whereas a treaty of friendship and alliance has been concluded between the Honourable Company and Rajah Anund Row Guickwar Bahauder, and whereas the said treaty was mediated and executed, without any intention that it should infringe any of the just rights or claims of his Highness Rao Pundit Purdhaun Bahauder affecting the Sirkars of the said Rajah, his said Highness adverting thereto, and also to the intimate alliance now established between the contracting parties, doth hereby formally acknowledge the existence of the said treaty between the Honourable Company and Rajah Anund Row Guickwar Bahauder; and inasmuch as, by reason of certain unfinished transactions, the conclusion of which has been suspended from time to time, various demands and papers of accounts are found to subsist between the Government of his Highness Row Pundit Purdhaun Bahauder and the Sirkar of the Rajah aforementioned, his said Highness, placing full reliance on the impartiality, truth, and justice of the British Government, doth hereby agree, that the said Government shall examine into, and finally adjust, the said demands and papers of a ccounts; and his said Highness further stipulates and binds himself, his heirs, and successors, to abide by such adjustment as the British Government shall accordingly determine.

Article 15.—The contracting parties will employ all practicable means of conciliation to prevent the calamity of war, and for that purpose will, at all times, be ready to enter into amicable explanations with other states, and to cultivate

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and improve the general relations of peace and amity with all the powers of India, according to the true spirit and tenor of this defensive treaty. But if a war should unfortunately break out between the contracting parties and any other power whatever, then his Highness Row Pundit Purdhaun Bahauder engages, that with the reserve of two battalions of Sepoys, which are to remain near his Highness's person, the residue of the British subsidiary force, consisting of four battalions of Sepoys with their artillery, joined by six thousand infantry and ten thousand horse of his Highness's own troops, and making together an army of ten thousand infantry and ten thousand cavalry, with the requisite train of artillery and warlike stores of every kind, shall be immediately put in motion, for the purpose of opposing the enemy: and his Highness likewise engage to employ every further effort in his power, for the purpose of bringing into the field, as speedily as possible, the whole force which he may be able to supply from his dominions, with a view to the effectual prosecution and speedy termination of the said war. The Honourable Company, in the same manner, engage on their parts, in this case, to employ in active operation against the enemy, the largest force they may be able to furnish, over and above the said subsidiary force.

Article 16th.—Whenever war shall appear probable, his Highness Rao Pundit Purdhaun Bahauder engages to collect as many Brinjaries as possible and to stow as much grain as may be practicable in his frontier garrisons.

Article 17th.—As, by the present treaty, the union and friendship of the two states is so firmly connected, that they may be considered as one and the same, his Highness Rao Pundit Purdhaun Bahauder engages neither to commence nor to pursue in future, any negotiations with any other power whatever, without giving previous notice, and entering into mutual consultation, with the Honourable East India Company's Government: and the Honourable Company's Government, on their parts, hereby declare that they have

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no manner of concern with any of his Highness's children, relations, subjects, or servants, with respect to whom his Highness is absolute.

Article 18th.—Inasmuch as, by the present treaty of general defensive alliance, the ties of union are, with the blessing of God, so closely drawn, that the interests of the two states are become identified, it is further mutually agreed that if disturbances shall at any time break out in the districts ceded to the Honourable Company by this agreement, his Highness Rao Pundit Purdhaun Bahauder shall permit such a proportion of the subsidiary troops, as may be requisite, to be employed in quelling the same within the said districts. If disturbances shall, at any time, break out in any part of his Highness's dominions contiguous to the Company's frontier, to which it might be inconvenient to detach any proportion of the subsidiary force, the British Government, in like manner, if required by his Highness Rao Pundit Purdhaun Bahauder, shall direct such proportion of the troops of the Company, as may be most conveniently stationed for the purpose, to assist in quelling the said disturbances within his Highness's dominions.

Article 19th.—It is finally declared, that this treaty, which, according to the foregoing articles, is meant for the support and credit of his said Highness's Government, and to preserve it from loss and decline, shall last as long as the sun and moon shall endure.

Signed, sealed, and exchanged, at Bassein, the 31st of December, Anno Domini 1802, or the 5th of Ramzaun, Anno Higeræ 1217.

A true Copy,

B. CLOSE,
Resdient at Poona.

Ratified by the Governor General in Council
11 February 1803.

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Schedule of the Territories ceded in perpetuity, by His Highness Bajee Rao Ragonaut Pundit Purdhaun Bahauder to the Honourable English East India Company, agreeably to the fourth Article of the annexed Treaty.

1st. From the province of Guzerat and territories south thereof: Dundooka, together with Chooia, Komapoor, and Gogo.	1,05,000
Cambay, Choute and Nassoor	60,000
South of the Taptie, Purnair, 27,000; Bootseer, 6,200; Banwanny, 8,800; Balsur, 85,000; Parchole, 1,07,000; Soopa, 51,000; Sarbaun, 30,000; Wallow, 30,000; Bamdoo Kusbah, 7,900; Waunsda Choute, 7,000; Durumpoory Choute, 9,000; Surat Choute, 42,100; Customs, 83,000.	
Between the Taptie and Nerbuddah. Oolpah, 3,16,000; Hansood, 85,000; Octisier, 78,000; Nundary, 65,000. Total south of the Taptie, and between Taptie and Nerbuddah, 10,38,000. Deduct twenty per cent. on account of decrease of revenue, 2,07,600 Nahabundy of Chourassy and Chickley,...	8,30,400
20,000; Phoolparra, Coomarria Cattergom, 5,000. ...	25,000
2nd. From the territories near the Toombuddrah; Savanore, 26 Talooks, 10,22,838; from Bankapoor, 5,56,762 ...	15,79,600
GRAND TOTAL ...	26,00,000

Signed, sealed, and exchanged at Bassein,
31st December, Anno Domini 1802, or
the 5th Ramzan, Anno Higeræ 1217.

A true Copy, B. CLOSE.

SUPPLEMENTAL TO THE TREATY OF BASSEIN, 1803.

A treaty, consisting of nineteen articles, was concluded at Bassein, between the Honourable English East India Company Bahauder and his highness the Paishwa Badjee Rao Ragonaut Pandit Purdhaun Bahauder. The following articles of engagement are now agreed on and settled, as supplemental to the said Treaty, by Lieutenant-Colonel Barry Close, on the part of the said Honourable Company, and Anund Rao Vakeel, on the part of the said Rao Pandit Purdaun Bahauder, under full power and authority granted to them respectively for the purpose.

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Article 1st.—That of the territory ceded in perpetuity to the Honourable East India Company by the said treaty of Bassein, the country of Savenore, and Taalooks of Bancapoor, in the Carnatic, yielding an annual revenue of sixteen lacks of Rupees, shall be restored, in perpetuity, to the Sircar of the said Rao Pandit Purdhaun Bahauder.

Article 2nd.—That of the territory ceded in perpetuity to the English East India Company by the treaty of Bassein, the Purgunnah of Oolpah, in Guzerat, yielding a revenue annually of three lacks and sixteen thousand Rupees, shall likewise be restored, in perpetuity, to the Sircar of the said Rao Pundit Purdhaun Bahauder, in order that it may be restored to Nursing Khundy Rao, who has served the Sircar with fidelity and attachment.

Article 3rd.—That a regiment of native cavalry, of the same strength and complement as the cavalry regiments belonging to the Hyderabad subsidiary force, shall be added to the British Poona subsidiary force.

Article 4th.—In the fifteenth article of the treaty of Bassein it is stipulated, that ten thousand cavalry and six thousand infantry, with a due proportion of ordnance and military stores shall be furnished by the said Rao Pundit Purdhaun Bahauder, and in addition thereto, such further force as the Sircar of the said Rao Pundit Purdhaun Bahauder should be able to bring into the field. This stipulation is now annulled, and, in lieu thereof, it is agreed and covenanted, that in time of war the said Rao Pundit Purdhaun Bahauder shall appoint and furnish five thousand cavalry and three thousand infantry, with a due proportion of ordnance and military stores, and, in addition thereto, such further force as the said Rao Pundit Purdhaun Bahauder shall be able to bring into the field.

Article 5th.—That a corps of Mahratta cavalry, amounting to five thousand, shall be maintained by the British Government during the present war, for the service of the Poona State, under the orders of the British Government; of which five thousand horse, two thousand shall serve with his Highness the

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Paishwa, and the remaining three thousand with the British army in the field; and in the said five thousand Mahratta cavalry are not to be included the Mahratta troops serving with the British army under the chieftains Bapoojee, Gunneis Punt Geklah, and Sudojee Rao Nimalcar, which troops shall continue to be subsisted at the charge of Rao Pundit Purdhaun Bahauder.

Article 6th.—By the first and second articles of this agreement, territory, yielding an annual revenue of 19,16,000 rupees, is restored to the Sircar of Rao Pundit Purdhaun Bahauder; in lieu thereof, and for the purposes hereafter mentioned, the said Rao Pundit Purdhaun Bahauder agrees and stipulates to cede, in perpetuity, to the honourable English East India Company, from the province of Bundelcund, conquered for the Poona State by Ali Bahauder, territory yielding an estimated annual revenue of 36,16,000 rupees, agreeably to the following detail:

1. In lieu of the country of Savenore, and Taalooks of Buncapoor, in the Carnatic, and the Purgunnah of Oolpah, in Guzerat, a tract of territory, yielding an annual revenue of 19,16,000 rupees.

2. On account of the stated high value of Oolpah, a tract of territory, yielding an annual revenue of 50,000 rupees, in excess for that Purgunnah.

3. To bear the entire expense of the regiment of cavalry mentioned in article III, a tract of territory, yielding an annual revenue of 7,50,000 rupees.

4. To serve as an equivalent for the expence to be incurred by the British Government, in paying and maintaining, during the present war, the five thousand cavalry mentioned in article V., a tract of territory, yielding an annual revenue of 5,00,000 rupees, and lastly, a tract of territory, yielding an annual revenue of 4,00,000 rupees, to meet the extraordinary expence which the British Government must be subject to, in establishing its authority in Bundelcund, which is disturbed and ravaged by rebels, who must be subdued and punished.

Total ceded from Bundelcund 36,16,000 rupees.

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Article 7th.—The whole of the foregoing territory, ceded, as above, from Bundelcund to the Honourable English East India Company, shall be taken from those quarters of the province most contiguous to the British possessions, and in every respect most convenient for the British Government.

Article 8th.—Inasmuch as the Purguunah of Oolpah was particularly valuable to the Honourable Company's Government, by reason of its proximity to the city of Surat, in the prosperity of which the British Government bears an anxious concern, it is accordingly agreed and stipulated, that the said Purgunnah of Oolpah shall be so managed and governed, at all times, by the Mahratta authority, as to conduce to the convenience of the said city, by attention to the rules of good neighbourhood, and the promotion of an amicable and commercial intercourse between the inhabitants of both sides. And inasmuch as the sovereignty of the river Taptee doth belong to the British Government, it is accordingly agreed and covenanted, that the Mahratta authority in Oolpah shall have no right or concern whatever in the wreck of any vessel that may be cast upon any part of the Oolpah territory, connecting with the said river Taptee, but be bound, in the event of any such wreck, to render the vessel all practicable aid, for which the parties assisting shall be entitled to receive from the owners of the wreck a just and reasonable compensation.

Signed, sealed, and exchanged, at Poona,
the 16th December, Anno Domini 1803,
or the 1st Ramzaun, Anno Higeræ 1218.
Ratified by the Governor-General in Council, the
7th January, 1804.

2. Policy of the Treaty of Bassein.

(*a*) The Honourable G. H. Barlow, Esq. to the Marquess Wellesley.

Approval of the policy of the Treaty.

(Private.) July 12, 1803.

My Lord,

I do myself the honour of enclosing the draft of a note to your Excellency, which I had prepared this morning. I trust you will

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excuse my sending it in an almost illegible state, and on scraps of paper. I had intended to copy it fair, but it had extended to a greater length than I had expected; and not being very well I do not feel myself quite equal to the task. In its present state, it will, I trust, answer equally well the purpose of conveying to your Excellency what has occurred to me on the subject of the question discussed yesterday.

I have the honour to be, with the highest respect,
your Excellency's most faithful, and obedient servant,

G. H. BARLOW.

(Enclosure.)

Conceiving it may be satisfactory to your Lordship to know what has occurred to me on a deliberate consideration of the important question discussed yesterday, I shall do myself the honour of stating the result. No doubt was entertained, as far as related to the question of right and justice, that the British Government was at full liberty to prosecute the present plan of measures, or to declare the alliance with the Peishwa void. If any difficulty existed with regard to this branch of the question, it was to assign reasons for declaring the alliance at an end without hazarding an impeachment of our good faith.

It only remained, therefore, to determine whether good policy required our persevering or withdrawing, under the unexpected circumstances of the total inability of the Peishwa to fulfil his part of the engagements, of the probability of hostilities with France, of the part taken by the Rajah of Berar, and the confederacy formed between Scindiah, the Rajah of Berar, and Holkar, of the certainty of the approaching dissolution of the Nizam, and of the nature of the orders received from England.

If we abandon the alliance, and withdraw our forces, (whatever may be the reasons we may assign for the measure,) no other construction will be given, both by friends and enemies, to this change of policy but this; that we were at least doubtful of the success of the impending military

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operations. They will never believe that in the present advanced stage of the business, and after all the declarations which have been made by our ministers at the Mahratta courts, that we should abandon a plan which has been pursued with unremitting perseverance for a course of years, and the advantages of which to our interests are so obvious, but from an apprehension of our inability to repel the opposition which has been raised to the consolidation of our alliance with the Peishwa. What will be the effect of this impression on the minds of our friends and enemies? Our friends will no longer entertain their present implicit confidence in our power and protection, and our enemies will make all India resound with shouts of triumph at our having yielded the field to them. The mischievous consequences which must be produced by this change in the sentiments of the states of India with respect to the British power, cannot be calculated.

But is it certain, in the event of our withdrawing our forces, that we should be allowed to retain the countries ceded to us by the Peishwa to indemnify us for the expense of the measures undertaken for his support? Is it not to be apprehended that the power which might succeed in usurping the authority of the Poonah Government, would endeavour to compel us to relinquish those countries by committing continued depredations in them, in the confidence that the same motives which induced us to avoid war when our armies were in the field, and in the most advantageous positions, would influence us still more strongly, when we had to collect those armies again, and which the operations of the most successful campaign could not be expected to place in their present advantageous positions? There is no conjecturing to what lengths the presumptuous character of the Mahrattas might impel them under such circumstances. Thus we might be compelled to go to war under the disadvantages of loss of national character, and of limited means, and probably after having afforded to the French an opportunity of connecting themselves as auxiliaries with some of the Mahratta states.

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Should this be the result, the Government would incur a heavy load of responsibility in England. Its conduct would be first censured for engaging in the alliance, next, for withdrawing from it, and lastly, for placing itself in a situation which reduced it to the alternative of engaging in a war under the disadvantages above stated, or of sacrificing the national character by relinquishing the retained territories.

With respect to the expected death of the Nizam, supposing the Mahrattas, or any of the disaffected members of the Nizam's family, to have it in contemplation to take advantage of that event to destroy our connection with the Court of Hyderabad, our armies in the Deccan could not be more favourably stationed than they are at present for the purpose of frustrating any such designs. If such designs are entertained, I am persuaded it would have been your Lordship's duty to have called the same armies into the field, supposing no alliance had been concluded with the Peishwa.

With respect to the French, supposing the present questions in Europe not to lead to an immediate rupture, we are now certain that the whole course of their policy has for its object the subversion of the British empire in India, and that at no distant period of time they will put their plans into execution. It is absolutely necessary for the defeat of these designs, that no native state should be left to exist in India, which is not upheld by the British power, or the political conduct of which is not under its absolute control. The restoration of the head of the Mahratta empire to his Government through the influence of the British power, in fact, has placed all the remaining states of India in this dependent relation to the British Government. If the alliance with the Peishwa is maintained, its natural and necessary operations would in the course of time reduce Scindiah (the power which may already be said to be in the interest of France) and the Rajah of Berar, to a state of dependence upon the Peishwa, and consquently upon the British power,

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even if they had aquiesced in the treaty of Bassein. But their unjust opposition to this treaty affords us an opportunity of at once reducing their power to a state that will remove every obstacle to the consolidation of the alliance with the Peishwa, and to the attainment of all its advantages. When can we hope for another opportunity equally favourable, or (under all the probable consequences of withdrawing from the alliance,) when can we hope to have all India again at our command? With respect to the chiefs combined against us, have we any reasonable ground to apprehend that we shall not prevail in the contest? The Guicowar state (always considered to form a considerable part of the strength of the Mahratta empire,) is actively employed in our support. The Peishwa, although unable from imbecility of character, to command with effect the resources at his disposal, is with us. We have the aid and countenance of his authority, and his territories to the south of the Godavery friendly to our cause, at least more so than to that of our enemies. Scindiah, therefore, is the only chief who possesses the means of making any serious opposition. We know that the Rajah of Berar possesses neither military knowledge nor military resources. We also know that Holkar's army consists of a body of plunderers, and that he has no means of maintaining a contest of any duration. Our army, well equipped, has established itself within the heart of the dominions of these chiefs, and within a few marches of their camp, where they are collected without money, resources or provisons, and where there is every prospect we shall destroy or disperse their whole force at one blow. It is scarcely possible that their military power could be placed in circumstances more favourable for our effecting its destruction.

With respect to the solicitude expressed in England for carrying into effect the plan for paying off the debt in the next six years, we can estimate with tolerable accuracy to what degree the execution of that plan is likely to be interrupted by a perseverance in the present course of measures in the

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Mahratta empire. This interruption is likely to be less in extent and duration than that which may be expected from abandoning the alliance with the Peishwa, if there is any foundation for the conjectures which I have stated as to the probable consequences of that measure. Every year would probably produce some of those calamities which would inevitably attend our declining power and influence, and we cannot conjecture what would be our situation at the expiration of six years. On the other hand, if we persevere in the present measures, and succeed, we are certain, not only that the existing debt, with the addition to it which may be occasioned by the prosecution of the present measures, will be extinguished within the expected time, but that the British power will be established throughout India, in prosperity, glory, and security.

The conviction of the justice and wisdom of the line of policy which your Excellency has pursued with respect to the Mahratta empire, is more strongly impressed on my mind in proportion as I consider it in all its relations. I am confident that the line of policy is entitled to this character, whether considered with reference to the discharge of the debt, to the augmentation of the investment, or the other objects which the authorities in England have in view, to the true interests of the Mahratta chiefs, to the happiness of the millions of wretched people who inhabit the countries subjected to their power, to the exclusion of the French, to the honour and reputation of our national character, or to the stability of the British empire in India.

(*e*) Lord Castlereagh, President of the Board of Controul; to the Marquess Wellesley.

Whitehall, March 4th, 1804.

My dear Lord,

The Bombay letters of the 28th July, announcing the probability of a rupture with the Mahrattas, induced me to read over carefully our negotiations with the Court of Poonah, for

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a series of years, which from a variety of other important subjects pressing upon my attention, I had till then omitted to do.

The outline of the opinion I have been led to form upon this subject will be conveyed to your Lordship in a despatch through the Secret Committee, but I should not feel satisfied in differing from your Lordship on some points of policy, as connected with the late treaty, if I did not put you in possession of the grounds upon which my opinions are founded; I am induced therefore without attempting to throw the substance into the form of a letter, to send you without reserve, my sentiments in the precise form in which they were first thrown together, trusting to their being not less acceptable to your Lordship so conveyed, than if transmitted in a more formal shape.

I have the honour to be,
My dear Lord, with great regard,
Your faithful and obedient servant,
CASTLEREAGH.

[*Enclosure in Lord Castlereagh's letter to the Marquess Wellesley of the 4th of March, 1804.*]

The question now depending between the British power and the Mahrattas is one of great difficulty and importance.

What directions it may be expedient ultimately to give from home must depend on the precise issue of the present discussions, whatever might have been originally wise as a rule of conduct may now require modification, with reference to *events, to engagements,* and to the *collateral effects* to be apprehended from any particular course we may take.

The next advices from India will probably ascertain whether the discussions have ended in actual war; in a jealous truce, still requiring the presence of a British army; or, in that apparent acquiescence on the part of the Mahrattas, which may lead the Governor-General to consider the professed objects of the treaty have been accomplished, and induce him to

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return the troops (with the exception of the subsidiying force) to their respective cantonments.

It may be expedient in the meantime to examine—Ist. The abstract policy of what has been aimed at. 2ndly. How far it has been judiciously pursued; and 3dly. whether the Governor-General has exceeded his legal authority, or gone beyond the instructions, under which, if his own authority were inadequate, his powers were derived.

Ist. As to the policy of a connexion with the Mahrattas:

In considering this question it is material to *ascertain precisely* what the *nature* of the connexion is, at which we have aimed. The professed end in view is, a *defensive alliance and guarantee* connecting the Mahrattas with the Nizam and the Company and through that league *preserving the peace* of *India*.

Although the apprehension of remote danger from French influence, acting through the Mahratta confederacy, is stated as a collateral object to be thus provided against yet the main policy of the system, as relied upon, is, its *pacific tendency*.

On this ground it must principally be tried, the British power in India is too firmly consolidated at this moment, and the prospect of attack from any quarter too remote to justify us in prudence in risking a war, with a view of providing against a danger merely speculative.

The British empire in India may be considered (including allies and dependents) as comprehending nearly everything in Hindostan (the Mahratta possessions excepted). In addition to our old possessions in Bengal, and on the coast, recently strengthened by the treaties which have placed the whole of the Carnatic, and a large proportion of Oude under our immediate administration, we have by two wars, equally just and successful, bound up the entire of Mysore in our dominions, and by a negotiation conducted with great ability and wisely undertaken, expelled French influence from Hyderabad, and connected the Nizam indissolubly with our interests.

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Whatever questions may have been hitherto raised *on the justice* of our conduct towards certain dependent states, upon the *policy* of our measures (always assuming them to be founded in justice) so far as concerns the consolidation of our authority in the Carnatic, in Tanjore, and in Oude, the reduction of the power of Tippoo, and the intimate connexion established with the Nizam no well founded doubt can be entertained.

Considering this as the well established sphere at this day of the British power in India, the next step towards a close connexion with another power, and that power necessarily involved in the complicated relations of the Mahratta confederacy, is a question of critical and delicate policy.

The idea upon which the treaty of Bassein was concluded, seems originally to have arisen out of, and to have been founded upon the connexion subsisting, previously to the conquest of Mysore, between the Company, the Mahrattas and the Nizam, by the treaty concluded 1790, at Poonah.

The object of this league was to watch and guard against the power of Tippoo. The treaty was defective, inasmuch as it did not specify, except with respect to the war then existing, the amount of force which the allies were bound to furnish to each other; nor did it *in terms* bind their heirs and successors, which led to cavils on the part of the Peishwa.

It gave us however, in Lord Cornwallis's war ending in 1792, the advantage of considerable succours both from the Nizam and the Peishwa against Tippoo.

Upon the peace of Seringapatam, Hurry Punt pressed Lord Cornwallis to let the Peishwa subsidize in future a corps of British troops in like manner as the Nizam then did. Whether he was so authorized by the Peishawa is not known.

Lord Cornwallis, although the Mahratta General urged it strongly (stating that to refuse was acting towards them with less friendship than towards the Nizam) declined the proposal; thinking it hazardous to mix ourselves in the unsettled policy of the Mahratta states, and that the principles,

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upon which it had been thought wise to connect ourselves with the Nizam (regard being had to the resources and position of his dominions, and also to the hazard of his being thrown into the hands of Tippoo, if not connected with the Company) did not apply to the state of Poonah; neither did he at that time think it essential to our general security, having materially reduced the power of Tippoo, to aim at establishing a commanding influence at Poonah.

Whether an acquiescence in Hurry Punt's proposal would have guarded against the decay of the Peishwa's power, which afterwards happened, it is difficult now to determine; but we find that, previously to the war of 1798-9 against Tippoo, both the Peishwa and the Nizam were so reduced in authority, the former by the ascendancy of Scindiah; the latter by a strong French faction in his army, as to render it very little probable, that the Company, in the event of a rupture with Tippoo, could hope to derive any efficient aid from the alliance.

The object of the Company was then to strengthen its allies, in order that they might be in a situation to fulfil their engagements; Scindiah's purpose was to weaken the Peishwa and to get the power at Poonah into his own hands. Hence arose a jealousy between Scindiah and the Company, which produced a proportionate union of interest between him and Tippoo. The number of French officers in the armies of Scindiah, Tippoo, and of the Nizam, rendered the danger very serious of a formidable combination of the native powers against us supported by France.

In this state of things, Lord Wellesley wisely determined to use every expedient to revive our influence and authority both at the courts of Poonah and Hyderabad. A British force was offered the Peishwa to protect his person and re-establish his grovernment, and an augmentation of the subsidiary force was proposed to the Nizam.

Under a variety of pretences, evidently resulting from a jealousy of our dower, as well as that of Scindiah, our offer

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was declined by the Peishwa. What then occurred is noticed here principally to mark *the jealousy* which even then disinclined the Peishwa to place himself in our hands, as well as to point out the strong defensive policy, which warranted us to risk much for the purpose of giving vigour and consistency to the only alliance, on which we could reckon, against the hostile confederacy with which we were threatened.

The result was, that we derived no support from the Mahrattas in the last Mysore war ; our connection with the Nizam was improved, the French force in his Highness's service finally destroyed, and a commanding British corps established in its room.

The termination of the war in the conquest of Mysore, and the absolute extinction of French influence in that quarter of India, as well as at Hyderabad, placed the Mahratta question entirely on new grounds.

Hitherto, a connection with the Mahrattas had been sought as a defence against Tippoo and the French influence generally. The fall of Tippoo and the extinction of the French party in Mysore and Hyderabad, leaving only what was to be found in Scindiah's army, as any object of jealousy, put an end to the importance as a means of necessary and immediate security of a connection with the Mahrattas.

From this time it could not be argued to be of *pressing necessity*. The most that could be contended for was, its being desirable on grounds of general expediency, and as tending to guard against remote and contingent dangers, we were certainly justified in risking less to accomplish it.

It was reasonable also to suppose, that in proportion as our power had been increased and consolidated, and as that of Tippoo was absolutely extinguished, the Mahrattas would entertain additional jealousy of any subsidiary connection with us.

We find accordingly, after the peace, that upon the Peishwa being invited to accede to the treaty of Hyderabad, upon

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which condition we should have deemed him entitled to a certain share in the conquered territories, he declined the proposal evidently from indisposition to receive a British force within his dominions.

Between that period and the treaty of Bassein, several attempts were made by us to induce him to enter into subsidiary engagements with us. The same was proposed to the Rajah of Berar, and an opening left in the treaty of Hyderabad of 1800, for Scindiah to accede on certain terms ; but the connection was declined by all.

The Peishwa, when most oppressed and in danger from Scindiah, proceeded considerable lengths in entertaining the proposition of a subsidiary alliance, but always resisted the idea of the subsidiary force being stationed *within his dominions.* Even with this qualification, our connection was an alternative which the Peishwa never latterly shewed any disposition to adopt, but under the pressure of extreme embarrassment, and it is even doubtful whether he was ever really sincere in the proposition he made, as his system invariably was to play off Scindiah and us against each other, and his overtures were generally accompanied by some stipulation which he had reason to suppose would not be acceded to by the Governor-General.

If the connection, after the fall of Tippoo, became of less pressing necessity, doubts may be entertained of the policy of appearing to pursue the objects with such unremitting anxiety. It will be necessary hereafter to examine under what circumstances a Mahratta alliance would or would not be desirable : but if the early conclusion of it was not of urgent importance to our immediate security, it might perhaps have been more successfully accomplished under a system of *more reserve* on our part.

The eagerness with which we appeared to press our connection upon all the leading states in succession, might naturally lead them to apprehend that we meant more than we avowed, that our object was ultimately to be masters instead

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of allies, and that, having obtained either possession of, or absolute influence over every state, except the Mahrattas, with whom we had been in connection, our object was to obtain a similar influence over *their* councils.

Under whatever est imate of our views it may have been formed, the fact is indisp utable, that the general repugnance to the British connection on the terms proposed universally prevailed amongst the great Mahratta powers. It was avoided by all as long as they had any choice. It was only embraced by the Peishwa, when an exile from his dominions; and the jealousy of it was such as to have since led Holkar and Scindiah to forget their animosities, and to appear disposed to league with the Rajah of Berar against the Company and the Peishwa, How long the Peishwa will continue faithful to engagements which were contracted from necessity and not from choice, in opposition to the other Mahratta states, is yet to be seen.

The practical question to be considered is, whether an alliance formed under such circumstances can rest upon any other foundation than mere force, and if not, whether the means by which it is to be upheld, are not destructive of its professed advantages.

Supposing Holkar, Scindiah, and the Rajah of Berar adverse, and the Peishwa acquiescent, but in his heart not cordially satisfied, can we expect that the subsidiary force alone will enable us to maintain our influence at Poonah?

If such be the *unqualified feeling* of the Mahratta states to a connection with us upon the principles on which the present has been formed, unless we are prepared to establish ourselves by conquest in that quarter of India, it seems necessary either to abandon the connection (if it can be abandoned consistent with a due regard to our engagements), or to modify it (should such be practicable) so as to reconcile at least a proportion of the Mahratta states.

It appears hopeless to attempt to govern the Mahratta empire through a feeble and perhaps disaffected Peishwa.

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The military power of the state of Poonah is at present inconsiderable.

It may be said the military power of the Peishwa under our protection may be consolidated and restored, and other states may be gradually reconciled to the alliance. Both these results may be possible; but the true question is, whether they are probable in such a degree, and whether they are likely to occur within such a reasonble period of time, and to be accomplished with so little hazard of expence as to make it politic to persevere against present opposing difficulties? Is the future effect likely to add so much to our prospects in point of security and tranquillity as to counterbalance the immediate inconveniences of war with the several Mahratta powers?

In examining this, the motive to alliance must be reverted to. Whatever may be the disposition amongst the Mahratta states to plunder each other, they have hitherto respected our territory. They have seldom even levied contribution on the Nizam, notwithstanding the disputed claims for Choute, &c. since his close connection with us.

The Mahrattas have never in any instance commenced hostilities against us. When, by taking part in their internal disputes we have been at war with any of the Mahratta states they have always availed themselves of the first opening for peace, and have shewn forbearance and humanity to a British army, more than once, when in difficulty. So far then as past experience goes, there seems no special ground to apprehend future danger from the Mahrattas. The French officers in Scindiah's army are just objects of jealousy, and their mixing themselves in the affairs of the native powers must be watched, and be matter of alarm in proportion to the degree in which it takes place, and as those states are *near* to, or *remote* from our possessions; but this alone cannot render the alliance prudent, nor is this danger at present of a magnitude to call for the adoption of a system, otherwise of dubious policy.

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As far as the Mahratta interests are concerned, what motive can they have in acquiescing in the ostensible head of their empire being placed in our hands?

Whatever we may hold out to reconcile the Peishwa to the alliance, and however we may profess to respect his independence in the management of his own internal affairs, we cannot deny that in fact as well as in appearance, whilst a British army is at Poonah, he can be considered in no other light than as *politically dependent on us.*

The Mahratta contentions between the leading states have been chiefly for influence at Poonah. To obtain this, Holkar attacked Scindiah. Having been deprived of this, Scindiah abandoned the Peishwa, and seems prepared to join his greatest enemy. The same motives which before opposed them to each other now oppose them both to us, and the Berar Rajah, perhaps with views to supplant the Peishwa, and with common feelings of jealousy, joins the confederacy.

What will reconcile them to a different course? To talk to them of the advantage of our guarantee for preserving the peace of Hindostan, assumes that the genius of their government is *industrious* and *pacific*, instead of being *predatory* and *warlike*; nor is it to be expected that independent states, especially of the description in question, can feel any disposition to make us, or any other great power, an arbiter of their destiny.

We not only place the Peishwa as a prey out of their reach, but we declare our purpose is to prevent them from plundering each other. They wish to be unrestrained in carrying their arms wherever they can derive advantage. Temporary distress may make them in their turn accept our support. Were it given as a temporary assistance it would frequently *be sought* for, and, as far as their means would go, *paid for*; but when it is to be given *permanently, or not at all*, it will only be accepted when no other resource remains. It will be avoided by each state exempt from the pressure, when the danger is gone by it will be disrelished by the state which

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has submitted to it, and ultimately we must either alter the genius of the various states, or rely upon our arms alone for the preservation of our authority.

To aim at a connection with the Mahratta powers on these grounds is, to say the least, extremely hazardous. It is evidently against the grain. It may be difficult and expensive to be established, not less so to be maintained, and as it must, when accomplished, rest *on our authority and arms*, rather than the disposition of our allies, it must practically operate as an extension of our own dominions.

Such a result we disavow as our object. In principle, as well as in policy, we are bound by the laws of the land to abstain from it, and it certainly would be a hazardous project to embark in the management of this half-civilized people, in addition to the widely extended empire of which we are now possessed. If we are not prepared to contemplate such a purpose, we should avoid being gradually led into a course of measures, the tendency of which leads to such a result as their natural consequence.

Is there then no connection with any of the Mahratta states, at which in policy we should aim?

It does not follow because an alliance, which places a British force in immediate contact with a weak Mahratta power, and that power the supreme head of the empire, in opposition to the will of all the stronger states, is unwise and dangerous, that no relation can be established between the British power and certain states of that empire, which may have a tendency to protect our interests against such dangers as might otherwise arise *from*, or operate *through*, that confederacy.

It may, however, be asserted, that to be either safe or useful, it must be formed on a broader basis than the present, and as the British power, from its magnitude, must now have become a more natural object of jealousy to the Mahratta states than any other, it is not probable that any considerable portion of the Mahratta confederacy will be disposed to

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connect themselves with us, unles we can present to them that connection in a shape less inconsistent with their natural propensities and independence than the late treaty.

When jealousy is once strongly aroused, any arrangement is become of more difficulty. Whether it might have been feasible, must remain matter of speculation, but I can conceive if Holkar and Scindiah had been suffered to reduce each other, before a treaty had been proposed to the Peishwa, that a broader connection might have been formed; especially the introduction of the British force to be subsidized *into the dominions* of our allies had not been made a *sine qua non*.

It may be said, if the treaty had not been pushed with the Peishwa when at Bassein, he might have refused it afterwards; possibly so; but it may be doubted whether the treaty so obtained was a benefit.

The benefit as well as the necessity of a Mahratta connection has for the last four years been in my conception always overrated. The importance of not taking the whole of the burthen upon ourselves of restoring the Peishwa, appears to have been strongly felt by Lord Wellesley, and he accordingly after the conclusion of the treaty wished to hold back, and leave Holkar and Scindiah to weaken and reduce each other; but as the treaty could not be concealed from Scindiah and the other powers, the success of this course depended upon their sentiments with respect to the treaty itself. Our troops, however, were moved forward by Lord Clive's orders, before the result could be distinctly ascertained.

Perhaps our safest line would have been to have received the Peishwa hospitably, to have professed a disposition to assist the other Mahratta powers in repressing Holkar's rebellion, and restoring the Peishwa to the Musnud, provided we found his Highness and his allies were disposed to connect themselves in interest with us.

Had we remained with our army on the frontiers, pledged to neither party, and in a position to assist either, our aid must have been an object of competition to both.

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Neither had any claim upon us, and consequently neither (whatever might be our opinion of the merits of their cause) had any right to expect our assistance without an equivalent. In postponing any negociation with the Peishwa, till he could treat in conjunction with Scindiah, we should have been able more correctly to estimate the grounds upon which we were proceeding.

It is probable the Peishwa and Scindiah united, could not have dislodged Holkar from Poonah without our aid. If so it lay upon them to offer terms to us. But then, in treating with the Peishwa and Scindiah conjointly we left the Peishwa in Scindiah's hands as before. And why not? Our motive for interference was not any principle of attachment to the Peishwa or any claim he had upon us. It was with a view of establishing an influence in the Mahratta empire, calculated to improve our general security and preserve the tranquillity of India. This could alone be effectually accomplished by a substantial and not a nominal conuection, which Scindiah and the Peishwa united might amount to, but not the Peishwa singly.

The mistake appears to have been, the following up too strictly the policy acted upon before the fall of Tippoo. Then we were obliged to endeavour to take the Peishwa out of Scindiah's hands, inasmuch as the latter, with a view of strengthening himself at Poonah, leant to Tippoo and against us. Had we on the present occasion not manifested any particular jealousy of Scindiah, but expressed a willingness to *receive proposals* for connecting ourselves *with both* and limited our views to what would *strengthen us*, without either *in appearance* or *in fact* making them instruments in our hands, I see no reason (if practicable at all) why a treaty with both might not have been made.

The main advantage of the treaty of Bassein I take to be the increased footing it gives us in the Guzerat. Our position at Poonah, abstractedly considered, appears to me more calculated to weaken our influence over the other states than

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to strengthen us by the power to be found there, and I should (as at present informed) much prefer having the subsidiary force stationed at certain positions within our own territories than stationed in those of our ally.

Had we concluded subsidiary engagements with both the Peishwa and Scindiah, obtaining the Iaidad as now in the quarter of Guzerat, the troops never to be moved into the territories of either state, except *upon requisition*, we should have obtained an increase of force and territory in our weakest quarter. The right to call for this force would have raised these states in the scale of the Mahratta powers, without exposing them to our unsolicited interference, and as all our subsidiary engagements have been made with a reserve as to the application of the troops against certain powers named, we should have possessed a salutary influence in the councils of our allies not incompatible with their independence.

The history of our own connectionsin India affords instances of both descriptions of alliances. By the treaty of 1768 with the Nizam, explained by Lord Cornwallis's letter in 1789, we were bound to furnish to his Highness two battalions of Sepoys, and six pieces of cannon, when called upon so to do, but not otherwise. The treaty of 1798 increased the subsidiary force to six battalions, and that of 1800 to eight battalions, to be *stationed within* the Nizam's *dominions*.

The former principle of connexion appears most suited to *remote* and *independent* states. The latter to a power which circumstances have nearly incorporated in policy and interest with our own.

The former appears to me to be alone applicable to any portion of the Mahratra empire, consideration being had to its composition and nature, and also to *our position* with respect to it. The latter under the circumstances was wisely applied to the Nizam, substituting British in the room of French influence, and throwing the shield of our authority

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over the state, incapable in itself of preserving its territories against the continual incursions of the Mahrattas.

It may be said, had the Peishwa and Scindiah met, they would have declined all permanent connection with us. Supposing this to have been the case, there were other courses open to us, without supporting an usurper in opposition to the Peishwa. We might either in conjunction with the Rajah of Berar have offered a *disinterested mediation*, and thereby dispelled much of the alarm that had grown up, as to *our* views; or, if we preferred co-operating with Scindiah in the restoration of the Peishwa without any permanent alliance, we might have obtained, I have no doubt, an ample territorial indemnity in the quarter of Guzerat for our *services*, as well as our *expences*. At all events, in preserving an army of observation on the frontier, and not mixing ourselves in Mahratta politics, except upon sure grounds, if we gained no more than securing our own territory, as well as that of our ally the Nizam from insult, we escaped war, whilst the Mahratta powers wasted their strength.

I cannot but doubt the policy of our making from the outset the Peishwa our only, or even our main object. The determination to take him out of the hands of Scindiah was, from the first apparent, if not avowed; and from that moment, if Scindiah could save himself by negociation with his opponents, he had every inducement to throw himself into the scale against us.

His doing so, rendered our success without a war extremely doubtful, and more than any other circumstance rendered the Peishwa's fidelity to our alliance precarious.

It remains to be considered whether, as has been suggested, the Governor-General has exceeded his powers, and lastly, what instructions should now be given from hence for the future regulation of his conduct.

The first question depends on his powers.—1st. Under the 42nd section of the Act of 1793. 2ndly. Under his

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instructions from home of the 10th of September 1800, and 4th of December of the same year.

The law clearly gives him no authority to conclude any treaty binding the Company to guarantee the territories of any state, except that state shall at the same time bind itself to support the Company in a war then actually existing, or in the case of preparations then making for war against the Company. It has not been alledged that Holkar, when this treaty was made, had either committed, or meditated hostilities against us or our *allies*; the treaty of Bassein was therefore clearly not within the scope of the 42nd clause.

The next question is under his instructions. The instructions were necessarily general. The precise course pursued in acting upon them may in policy be questioned, but I think the Governor-General, as far as powers go, is clearly borne out in what he has done, regard being had to the tenor of those instructions, coupled with the recorded proceedings of his negotiations at the court of Poonah, of which the Government at home were from time to time put in possession, and which when acquiesced in, might be fairly considered by him as approved of, and consequently illustrative of those orders.

The orders specifically approved of a subsidiary treaty with the Peishwa similar to that of the Nizam.

They enjoined a large subsidiary force as indispensable, and assumed that the Peishwa must *tacitly renounce his independence.*

In the letter of the 4th of December it is stated, that if by any arrangement *not likely to lead to hostilities*, the Peishwa could be relieved from the influence of Scindiah, it would be highly desirable, &c. &c.

In that of the 10th of September, the Governor-General's plan for establishing a subsidiary force at Poonah is approved of. *Caution* is recommended in *renewing* the *negotiation*, except at the instance of the court of Poonah, or at a *crisis*, when there can be no doubt of the proposition being accepted.

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Now, although the alliance under a *reasonable apprehension of hostilities* is not authorized, yet it would be too much to suppose that it could be concluded without *any risk* being incurred, particularly as it was declared and clearly understood, that nothing but the *last necessity* would induce the Peishwa to sign such a treaty, and the object being to dispossess Scindiah of his influence at Poonah, his opposition could not but be expected.

In July 1800, the Peishwa fearing that his person might be seized by Scindiah, vested certain persons with the power of signing a treaty for him.

In this event of the flight or seizure of the Peishwa, Lord Wellesley ordered the Resident to conclude a subsidiary treaty with him, or those authorized on his part, also the British troops to occupy the Mahratta districts south of the Kistna.

This was a stronger case of risk than the present, as Scindiah then must have been forcibly driven from Poonah, whereas the state of his own affairs lately afforded some prospect of his co-operation, and the chance of a rupture was more with Holkar an adventurer than with the established feudatories of the Mahratta empire.

Early in May of the same year, Lord Wellesley authorized the Resident at Poonah to conclude a secret treaty with the Peishwa, in which the Company were to engage to *compel Scindiah* to remove from the Deccan, and also to bind themselves to maintain the Peishwa *in his just rights and authority* over that chief, and over the other acknowledged feudatories of the empire, the Nizam and Rajah of Berar, to be at liberty to accede.

The latter is even a stronger proceeding. In both these cases Scindiah was to be necessarily opposed. In the latter absolutely forced. Whereas previously to the treaty of Bassein our interference was solicited by all parties.

It is not here the question whether the negotiation was judiciously conducted, or whether the treaty in itself was the most advisable one that could have been framed under the

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circumstances. It is only meant in this part of the argument to state, that in the position wherein the Mahratta states then were placed with relation to each other, no *crisis* could have been found more propitious to the formation of a connexion if under any circumstances it were attainable.

It is also contended, that under the words of his instructions and the mode in which he had acted under them on the above occasions with the acquiescence of the Government at home Lord Wellesley might reasonably consider himself as authorized to pursue the course he took.

Whatever therefore there may be to criticize in respect to the policy aimed at, or the management of the negotiations, it cannot well be contended that Lord Wellesley's conduct should be called in question, as having acted in breach of the instructions sent him.

Before we proceed to apply the principles heretofore laid down to the existing case, or to consider what orders it may be advisable to send from hence, it is material to mark, that the objections above-stated are not against any and every description of Mahratta connexion but against that which gives us the Peishwa alone, whilst it commits us in hostility with the three greatest military powers of the empire.

It is also considered that no aliance which does not give us a majority of the preponderating chiefs of the confederacy in cordial connexion with us can in the long run prove of advantage, inasmuch as such an alliance will occasion frequent recurrence to arms, and place the discontented states more in a situation to be tampered with by France.

That there is no reason, certainly none from experience, to suppose an alliance can ever be formed with the Mahrattas by a European power on principles destructive of the independence of any leading state; but more especially of the ostensible head of the Mahratta confederacy, without making all the other powers enemies, and even occasioning the fidelity of the allied state to be precarious.

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That the Mahratta confederacy, though the power of the Peishwa is imperfectly defined, and feebly maintained, is yet so far a body politic as to make the acts of each member a matter of common concern to all.

That Lord Wellesley when he looked to treat secretly for the expulsion of Scindiah from Poonah in terms recognized a paramount power to reside in the Peishwa over Scindiah and the other Mahratta chieftains. This paramount authority as head of the empire, and not his individual strength, could never have *suggested the policy* of looking principally to the Peishwa's connexion.

If that be the case, it is impossible to contend that the Peishwa can treat and act as a separate and independent state; and whilst he retains and asserts his authority over the Mahratta feudatories, submit himself in the management of his external concerns in a great degree to a foreign power. If he does so act, he must do it at his peril, and the other states will naturally consider how those acts are likely to affect their security or independence.

An alliance with the Peishwa and Scindiah jointly under the circumstances which took place subsequent to the defeat of the confederate forces before Poonah, perhaps might have been formed upon the basis of stationing the subsidiary force within our own territories, liable to be called on under certain conditions by each power in proportion as it contributed the funds towards its maintenance and support, not restricting either to a communication with us, before he *concluded any treaty;* for such stipulation where it is not *reciprocal,* is upon the face of it an abrogation of independence; but trusting *that* and every other question which might touch our interests to the legitimate influence gradually arising out of a connexion framed with a view to support and not extinguish the authority of the other contracting party, and also to the known and acknowledged power of the British arms, which it could never be their wish or their interest to provoke.

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If an alliance framed on principles compatible with the feelings of a large proportion of that empire could not be formed under the circumstances which then prevailed, when so many parties had the strongest motives for cultivating our support, it may be doubted whether a Mahratta connexion is to be accomplished on any grounds short of subjugation. To subdue the Mahratta empire would be (if at all practicable) to charge ourselves with an incumbrance, and to bring ourselves in contact with neighbours much more troublesome, it would be sacrificing a tolerable barrier for one infinitely more precarious; and it must never be forgot, that were our object accomplished, of placing a subsidiary force of equal strength with that which the Peishwa is to receive under the treaty of Bassein, in the dominions of each of the four great military chieftains of the confederacy, we should be only permanently extending our native force to the amount of 24,000 men, without any assurance that the empire at home can spare us, *that additional proportion of European* force, which, whether actually making a part of the subsidiary corps or not, ought always invariably to accompany every encrease of our Indian army.

Success therefore whether in war, or in negotiation, so long as we are *forcing*, and not *inviting this alliance*, however, for the time it may give a lustre to our authority, can only embark us in difficulties, from which it may be embarrassing to recede.

The British empire in India contains above fifty millions of inhabitants, it produces a revenue of above thirteen millions sterling a year, encreasing with the general prosperity of the country at this moment rapidly advancing under the mild and benificent administration of the Company. Our regular army native and European, on its peace establishment amounts to 115,000 men, a force capable of immediate extension in time of war. With such an empire a Mahratta connexion may be a very good thing, if it can be had without mixing us too deeply in their internal disturbances, or leading to an extension of

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dominion beyond our purpose, but we are too strong *to require it*. Our wisest policy is to place our dependence in that quarter, on the consolidation and improvement of what we already possess. On the steady application of our resources to the reduction of our debt, and approaching every native power possessed of and valuing its independence, with offers of alliance and connexion (when any such are to be made) on grounds really compatible with that independence, trust to the friends which such a course of conduct will make for us in the hour of trial, it being little probable that any competitor for eastern dominion can deprive us of our share of alliances when the danger is at hand, unless we ourselves by a mistaken course of policy lay the grounds before he approaches.

It has not been a matter of choice, but of necessity, that our existence in India should pass from that of traders to that of sovereigns. If we had not, the French would long since have taken the lead in India to our exclusion.

In the various contentions for power, in which our security was at the same time really involved, we have risen to an extent of possession and authority which can no longer be safely permitted to rest on any other foundation than our own intrinsic strength. Events have latterly accelerated our progress so much as in itself (the rather as most political transactions will admit of question) to give an impression, with respect to our policy, which, *if heightened*, may be productive of serious embarrassment to our interests both at home and abroad. Without being disposed to admit, or in truth feeling, that the tenor of our administration in India has been otherwise than highly honourable to the national character, I think it is material, having already accomplished so much in point *of power* and glory, that we should now be studious to give to our councils a complexion of moderation and forberance, trusting, as we may safely do, the preservation of our Indian possessions to the resources abundantly contained within our present limits.

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In determining what it may be advisable to do, under present circumstances, it is necessary to decide to what extent we are bound and prepared to support the treaty of Bassein.

Lord Wellesley from the outset declared his determination not to persevere in the connection if the Peishwa's conduct was such as to prove him averse and faithless to the alliance.

His Lordship also resolved not to force the restoration of the Peishwa contrary to the feelings and inclinations of the majority of the immediate jaggeerdars and feudatories of the Poona state.

Should the conduct of the Peishwa have become such as to induce the Governor-General to consider the alliance dissolved under the treaty of Bassein, the British Government will have an undoubted claim to retain the territories ceded by his Highness till he shall have fully discharged the extraordinary expense incurred in replacing him on the musnud.

In case the Peishwa shall have performed his part of the treaty, he is entitled to our support, and having guaranteed his dominions in good faith and character, we are bound to defend and maintain him on the musnud.

The treaty itself may be considered as consisting of two parts, the first affecting the immediate interests of the Peishwa, the second principally affecting our own ; the former, unless modified with his Highness's concurrence, we are bound to adhere to ; the relaxation of the latter depends principally on ourselves, and can meet with little difficulty on his part.

The 3rd and 17th articles are obvious points of jealousy to all the Mahratta states, and from former experience of the Peishwa's reluctance to the receiving *a subsdiary force within his dominions,* the third article is not likely to be in truth more acceptable to him.

The 12th article also deserves consideration which binds the Peishwa to accept our arbitration in all disputes with the

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other powers. If the reasoning contained in the former part of these notes is right, doubts may be entertained of the policy of a connection with the Poonah state, which is necessarily calculated to mix the British Government so intimately in Mahratta politics, and must in appearance render the Peishwa absolutely dependent on us.

As far as relates to arbitrating the differences between the Nizam and the Peishwa as allies of the Company, we were bound to contend for it under the treaty of Hyderabad of 1800, but beyond this, having provided that our troops were not to be employed *against any of the principal branches of the Mahratta empire*, it would perhaps be better not to stipulate for a right, which being general, may alarm other states, and cannot be very acceptable even to the Peishwa himself, but rather to rely for the means of regulating his conduct upon pacific principles on the grounds we shall have to withold the subsidiary force in cases where the Peishwa may be deemed the aggressor, than upon a positive right of arbitration in all cases binding upon him.

Without therefore failing in the spirit of our obligations to the Peishwa, we have the means of altering so far the character of the treaty as to restore his Highness to a state of more *ostensible independence*, and to give to the alliance less the aspect of aiming at an interference in Mahratta affairs.

Much of my doubt upon the policy of any Mahratta connection, however modified, arises from an apprehension of its tendency to involve us too much in the endless and complicated distractions of that turbulent empire. Much of my difficulty would be removed by our connection being so far simplified as to confine it to a mere support upon requisition, and that claim of support necessarily qualified by the principles which strictly belong to every *defensive* alliance. We should then always have a good plea for keeping out of discussion, which appeared to us foreign to the principles of our alliance; we should equally derive all the advantages connected with

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the late cessions, and being less pledged to interference, we should perhaps be in a situation to exercise a more beneficial influence than we can do by making ourselves *absolute parties*, in which light we must be considered so long as the subsidiary force is at Poonah and the Peishwa actually in our hands.

The object of the late treaty has been to obtain a complete and commanding influence : to render this at all secure from interruption and contest, our authority must be introduced upon similar principles into other leading Mahratta states. The accomplishment of this seems little probable if desirable, and the reasons for not thinking it desirable have been already stated.

The objections to forming a subsidiary connection with the Mahratta states upon the modified plan herein proposed appear less serious, as it throws less weight of management and interference upon us, whilst in its nature it is less calculated to excite the resentment and jealousy of powers not included in the alliance ; the stipulations may be fulfilled without so large an extension of our native force, but even upon this principle it ought not to be carried beyond what appears *absolutely requisite* to unite some proportion of the confederacy in interest with us, as I am satisfied the limited number of men that can be obtained in Europe for general service in the present state of our manufactures and commerce, and the extended scale on which it will be thought necessary hereafter to provide for our home defence, renders it hopeless to aim at obtaining for India a larger establishment of king's troops.

In any modification of the treaty of Bassein upon the principles above suggested, it is of great importance to guard against any impression calculated to make the Nizam discontented with the treaty of Hyderabad of 1800.

This cannot be difficult to manage. The Nizam has a direct interest in the subsidiary force being so stationed as effectually to cover his dominions from Mahratta incursions ; it will be easy to make him feel the policy of modifyings our

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connection with the court of Poonah, the head of the Mahratta confederacy so as to occasion less jealousy in the other states; and as war always augments his expenses as our ally, he will have the same interest in the adoption of measures tending to allay the uneasiness of the other Mahratta powers which we ourselves have.

The object to be aimed at should be, to place the alliance with the Court of Poonah, as nearly as may be on the footing of our connection with the Nizam previous to 1798, retaining however the assigned lands as a permanent provision for a permanent force to be held always disposable for the protection of the Peishwa, although not stationed within his dominions; and it appears to me that so far from encouraging or wishing the Peishwa to order this force frequently and without adequate necessity to enter his territory, that the object of the Resident at Poonah should be to discourage as much as possible his applying for it, when its services can be dispensed with and whenever the service is performed on which it is required, that it should be *our endeavour* to have it returned to its station with the least possible delay.

Such is the course of management which appears to me best calculated to strengthen our influence not only at Poonah, but in the other Mahratta Courts. Between this, and a system of authority founded on force, and not likely to be effected without continual struggles, I apprehend there is no safe medium.

Whether this alteration of our engagements with the Peishwa had better be made a matter of general negotiation at the peace with the Mahratta states, or at once settled between the Peishwa and the Company, must be judged of on the spot; in the former case, it may lead to some equivalent arrangements on the part of our enemies; in the latter, it would bear less the complexion of a concession, whilst it would probably narrow materially the points at issue with the other powers.

Our first object then seems to be, to fulfil our engagements to the Peishwa; our second, to alter to a certain degree the

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nature of our connection with that state. A third consideration is, what steps we are called upon to take in consequence of the part which the other Mahratta powers have acted on the present occasion, particularly Scindiah and the Berar Rajah, Holkar by the last accounts not having as yet joined the confederacy.

Whatever might have been their natural motives of jealousy, their conduct has throughout been marked by the utmost duplicity. They appear to have taken their measures for war whilst they were professing friendship.

They did not remonstrate against the treaty of Bassein ; on the contrary, Scindiah disclaimed any purpose of disturbing it, and declared he did not consider it to contain any stipulation inconsistent with his interest ; the evidence we had of orders given by Scindiah to his chiefs on the Bengal frontier clearly marks that his interview with the Berar Rajah, and the menacing posture taken by their united forces immediately on the Nizam's territories, was a prelude to hostilities.

Not having demanded *explanation*, nor made any attempt to settle the question by amicable negotiation, but having on the contrary pursued a course of equivocation and deceit we are warranted in considering them as aggressors.

In this case we are entitled to demand from them (subject to prudential considerations) indemnity for the expenses incurred by us and our allies in the war ; in the application however of this right, it would be highly unadvisable to protract the war in the hope of obtaining such retribution.

Pecuniary compensation is very much out of the question with such states ; they have little treasure and less credit and any security given on lands is only keeping alive a question of litigation between them and us if our successes are such as to place within our reach any concession on their part without protracting the contest. Better take it in some absolute and unqualified surrender than any thing connected with a protracted settlement : and if the surrender is of a territorial description, it is desirable that it should be some

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point of value rather as a means of security to our existing possessions than selected with a view to their extension.

The expelling the French now in the service of Scindiah, is certainly a considerable object, and one to which the Governor-General's attention appears already earnestly directed. As far as my means of information go I should conceive Baroach in the Guzerat belonging to Scindiah, and Cuttack to the Rajah of Berar, would be the points of most importance to insist on, as tending to deny to European intrigue their best channels of intercourse with the native powers.

The object however of *most importance* will be, to bring the war to an end as early as is consistent with our good honour and good faith. Extension of territory not being our purpose, we have nothing to gain from the contest, whilst it suspends all our views to the reduction of debt, &c.

CASTLEREAGH.

(*c*) **The Secret Committee of the honourable Court of Directors of the East India Company to the most noble the Governor-General in Council, Bengal.**

East India House, London, 6th March, 1804.

We have received despatches from our Presidency of Bombay, dated the 8th September, 1803, announcing to us the actual commencement of hostilities between our forces and certain of the Mahratta powers.

The successes with which the campaign has opened by the immediate reduction of Ahmednuggur and Broach, in a manner so highly creditable to the British arms and to the officers who directed those operations, could not fail to afford us the highest satisfaction. But as it was always our wish to avoid a connection with the Mahrattas at the expense or even at the serious risk of a war with any of the leading members of that confederacy, we deeply regret that such has been the result of the treaty

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concluded with the Peishwa at Bassein, and we feel it necessary in consequence thereof at this early period, to convey to you our sentiments upon the present posture of affairs.

Removed as we are from the immediate scene of action, much must necessarily at all times be left to the discretion of our governments on the spot, in applying the principles which we may think it necessary to prescribe for the direction of their conduct to the precise state of circumstances under which they may be called upon at the moment to act. We shall, therefore, confine ourselves in the present despatch, to a statement of the general considerations by which we desire your conduct may be governed.

Whilst we are prepared to make every exertion which is due to the good faith, and which the character and honour of our government may require, we do not, as a measure of policy, attach that value to the provisions of the treaty in question, which would lead us to wish that, it should be maintained at all hazards in its present form, if by any modifications of the stipulations therein contained, our conection with the state of Poonah can be rendered a measure of less alarm and jealousy to the other Mahratta powers, being firmly persuaded that no alliance with a Mahratta power, but more especially with one in military rank not standing higher than the third or fourth in the empire, can in the long run be consistent with our interests, unless the preponderating majority of the confederacy can be reconciled to that connection.

The most prominent grounds of jealousy entertained by the Mahratta states of the late treaty, appear to arise out of the third and seventeenth articles, the former introducing and permanently stationing a commanding British force in the Peishwa's dominions, the latter binding his Highness without the stipulations being reciprocal, not to commence any negotiation with any other power without previous communication with the British Government, which two

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stipulations they consider as tending to place under our control and guidance the legitimate head of their Empire.

Under a strong conviction of the embarrassment which must arise from our mixing ourselves too intimately in the complicated politics of this distracted empire, our wish is to confine the purposes of the treaty strictly to the support and defence of the Peishwa in the quiet possession of his own immediate dominions, and to avoid not only in fact but in appearance every thing which can be construed to affect the independency of the Mahratta confederacy through its legitimate head, or which can create distrust and jealousy between the Peishwa and the other great powers of the empire. We are therefore desirous whilst the support to which his Highness is entitled under the treaty of Bassein (so long as he shall remain faithful to his engagements), is afforded to him in the fullest manner, that we should not hesitate to relax in such stipulations as were introduced into that treaty rather for our, than for his Highness's accommodation. When we refer to the Peishwa's former reluctance to the introduction of a subsidiary force within his dominions, and when we couple this with the decided repugnance which undoubtedly exists to the arrangement lately concluded, on the part of the other states, we cannot doubt that a relaxation of this condition of the treaty will prove highly satisfactory to his Highness, and we also flatter ourselves that by this relaxation a material objection in the feelings of the other states may be removed. In order more distinctly to mark that our object is sincerely to support and by no means to infringe the independency of our ally, our wish is that it should be expressly stipulated in an additional article to the treaty that the subsidiary force shall hereafter be stationed within the Company's territories, in such a position as shall enable it to act on the shortest notice in support of the Peishwa, but that it shall upon no account, except upon a formal requisition from the Peishwa, (unless restraint should be put upon his Highness's person) enter his dominions. We also are willing to abandon the seventeenth

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article, and to rely on the interest his Highness will have in cultivating a good understanding with the British for his fidelity to the general stipulations of the alliance in any connections he may form with other powers. It is material further to call your attention to the twelfth article of the treaty. Having in conformity to the treaty of Hyderabad stipulated in article thirteen for a right of arbitrating all the differences subsisting between the Nizam and the Peishwa, we entertain great doubts whether it is desirable, regard being had to the character and complexion which it is our object to give to the alliance, to stipulate for a general right of arbitration as between the Peishwa and other states. Such a right must in itself create much jealousy, and we are inclined to think that it would be on the whole better not to push our claim of arbitrating so far. This course seems the less hazardous as the treaty of Bassein is not only guarded by the general principles which appertain to all defensive alliances, but is also specifically restricted with reference to certain states therein named. In thus conveying our instructions upon this important subject we think it due to the Governor-General in Council to state, that the objections which attach upon the treaty of Bassein in its present form did not when this subject was last under consideration in the months of September and December 1800, as circumstances then stood, impress themselves upon our minds with equal force. We therefore desire to be understood, as not attaching blame to the conduct of our government abroad with respect to the form of the treaty itself, however subsequent events may have convinced us of the hazard of aiming at so close a connection with the court of Poonah. We cannot close this despatch without adverting to the late proceedings of the other Mahratta chiefs. Whilst we are ready to admit that states jealous of their independency might naturally entertain some alarm at stipulations capable of being represented to them as placing the head of the empire under the immediate control of a foreign power, we cannot avoid noticing the deceitful and disingenuous conduct pursued by Scindiah and the Rajah of Berar previous to the rupture. Instead of openly

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avowing their sentiments and endeavouring by amicable explanation to obtain relief from any stipulations of the treaty which could be supposed to affect their interests, they in terms disclaimed any ground of objection, and disavowed any intention of obstructing this connection. Whilst such was their language it appears they were intent upon gaining time with a view of arranging a confederacy and of acting hostilely against the Company and its allies so soon as their measures were ripe for execution and the season favoured their operations. Such having been the conduct of these chieftains, the Company are clearly entitled to consider them as aggressors and (as far as prudential considerations will justify them in asserting the claim)to demand from the enemy a reasonable indemnity for the expences of the war. But you are to understand, however indisputable this claim in strictness may be, that it is our positive direction the war may by no means be protracted in pursuit of such an object. Upon the whole our wish is that a modification of the treaty should at all events take place in conformity to the above instructions, not on the ground of concession but upon a deliberate consideration of the system of policy which appears to us to be the best adapted to the genius and the character of this people. Determining to support the Peishwa on the Musnud unless his Highness by some act of his shall have dissolved the alliance, as also the treaty of Bassein, upon the modified plan herein described, whenever the powers we are opposed to shall be disposed to recognize our rights and those of our ally the Peishwa as under the treaty so amended, we see no adequate motive for continuing the war, and should the success of our arms be such as under all the circumstances appear to you in prudence to warrant a demand of some concessions from our opponents, we desire that the demand be framed upon principles of great moderation and with a view to the improvement of the military security rather than the extension of our present dominions.

We must however impress most strongly on your minds that the early termination of the war is the object to which we desire your efforts may be most earnestly directed, and although

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desire your efforts may be most earnestly directed, and although we have thought it right to advert to the possible expediency of requiring certain sacrifices in the nature of reparation from our opponents, you are by no means to consider such suggestions as controlling your conduct in case you should be of opinion under all the circumstances that peace is likly to be more firmly established and future causes of dissension more effectually obviated by an entire restoration of all our conquests.

We are your affectionate friends,

JACOB BOSANQUET,

JOHN ROBERTS,

W. DEVAYNEZ.

(d). Memorandum on the Treaty of Bassein. By Sir Arthur Wellesley.

1804.

In order to understand clearly the object of the 12th and 17th articles of the treaty of Bassein, it is necessary to consider the nature and constitution of the contracting parties; to examine their political objects and systems, to see by what rules or systems of policy they are respectively bound, and in what manner affected by their respective connections with other sovereign authorities. European governments were till very lately guided by certain rules and systems of policy, so accurately defined and generally known, that it was scarcely possible to suppose a political event in which the interests and conduct of each state would not be as well known to the corps diplomatique in general as to the statesman of each particular state.

The Asiatic governments do not acknowledge, and hardly know of such rules and systems. Their governments are arbitrary, the objects of their policy are always shifting, they have no regular established system, the effect of which is to protect the weak against the strong; on the contrary, the object of each of them separately, and of all of them collectively, is to destroy

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the weak ; and if by chance they should by a sense of common danger be induced for a season to combine their efforts for their mutual defence, the combination lasts only as long as it is attended by success ; the first reverse dissolves it ; and at all events it is dissolved long before the danger ceases, the apprehension of which originally caused it.

There cannot be a stronger proof of this defect of policy in the Asiatic governments than the dissolution of the combination of the year 1790, between the English, the Marhattas, and the Nizam, by the attack of the Marhattas on the Nizam in the year 1795.

These observations apply to the government of the Marhattas more than to any other of the Asiatic governments. Their schemes and systems of policy are the wildest of any : they undertake expeditions not only without viewing their remote consequences upon other states or upon their own ; but without considering more than the chance of success of the immediate expedition in contemplation.

The Company's government in India, the other contracting party to this alliance, is one bound by all the rules and systems of European policy.

The Company's power in India is supposed to depend much upon its reputation ; and although I do not admit that it depends upon its reputation as distinguished from its real force, as appears to be contended by some, I may say that it is particularly desirable for a government so constituted as the Company's, never to enter upon any political object, the probable result of which should not be greatly in favour of success. Besides this, the Company's government in India is bound by acts of Parliament not to undertake wars of aggression ; not to make any but defensive alliances, and those only in cases in which the other contracting party shall bind itself to defend the possessions of the Company actually threatened with hostilities.

The Company's government in India is also connected with his Majesty's Government, and as an Asiatic power is liable to

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be involved in wars with European powers possessing territories in India, whenever his Majesty shall be at war with those powers.

The picture above drawn of the state of politics among Asiatic powers proves, that no permanent system can be adopted which will preserve the weak against the strong, and will keep all for any length of time in their relative situations, and the whole, in peace ; excepting there should be one power, which, either by the superiority of its strength, its military system, or its resources, shall preponderate, and be able to protect all. This is proved by the history of the last fourteen years.

The Company has been the preponderating power, and by the 2nd article of the treaty of Bassein has in so many words taken the Peishwa under its protection.

I might contend that the stipulations of the 12th and 17th articles are only consequences of the protection promised, and really offered. But in my opinion these stipulations are the necessary consequence of the alliance between a power such as the Peishwa's, and one such as the Company's, bound by rules of policy, acts of Parliament, and by the acts of his Majesty's Government.

B

The Governor-General's Minute regarding the foundation of a College at Fort William.

I.

The British possessions in India now constitute one of the most extensive and populous empires in the world. The immediate administration of the government of the various provinces and nations composing this empire is principally confided to the European civil servants of the East India Company. Those provinces, namely, Bengal, Behar, Orissa, and Benares, the Company's Jaghire in the Carnatic, the northern Circars, the Baramahal, and other districts ceded by

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the peace of Seringapatam, in 1792, which are under the more immediate and direct administration of the European civil servants of the Company, are acknowledged to form the most opulent and flourishing parts of India; in which property, life, civil order, and religious liberty are more secure, and the people enjoy a larger portion of the benefits of good government, than any other country in this quarter of the globe. The duty and policy of the British Government in India therefore require, that the system of confiding the immediate exercise of every branch and department of the government to Europeans, educated in its own service, and subject to its own direct control, should be diffused as widely as possible, as well with a view to the stability of our own interests, as to the happiness and welfare of our native subjects. This principle formed the basis of the wise and benevolent system introduced by Lord Cornwallis, for the improvement of the internal government of the provinces immediately subject to the Pesidency of Bengal.

In proportion to the extension of this beneficial system, the duties of the European civil servants of the East India Company are become of greater magnitude and importance: the denominations of writer, factor, and merchant, by which the several classes of the civil service are still distinguished, are now utterly inapplicable to the nature and extent of the duties discharged, and of the occupations pursued by the civil servants of the Company.

To dispense justice to millions of people of various languages, manners, usages, and religions; to administer a vast and complicated system of revenue throughout districts equal in extent to some of the most considerable kingdoms in Europe; to maintain civil order in one of the most populous and litigious regions of the world; these are now the duties of the larger proportion of the civil servants of the Company. The senior merchants composing the five Courts of Circuit and Appeal under the Presidency of Bengal exercise in each of those Courts a jurisdiction of greater localextent, applicable

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to a larger population, and occupied in the determination of causes infinitely more intricate and numerous than that of any regularly constituted courts of justice in any part of Europe. The senior or junior merchants, employed in the several magistracies and Zillah Courts, the writers or factors filling the stations of registers and assistants to the several courts and magistrates, exercise in different degrees, functions of a nature, either purely judicial, or intimately connected with the administration of the police, and with the maintenance of the peace and good order of their respective districts. Commercial and mercantile knowledge, is not only unnecessary throughout every branch of the judicial department, but those civil servants who are invested with the powers of magistracy, or attached to the judicial department in any ministerial capacity, although bearing the denomination of merchants, factors or writers, are bound by law, and by the solemn obligation of an oath, to abstain from every commercial and mercantile pursuit; the mercantile title which they bear, not only affords no description of their duty, but is entirely at variance with it.

The pleadings in the several courts, and all important judicial transactions, are conducted in the native languages. The law which the Company's judges are bound to administer throughout the country is not the law of England, but that law to which the natives had long been accustomed under their former sovereigns, tempered and mitigated by the voluminous regulations of the Governor-General in Council, as well as by the general spirit of the British constitution. These observations are sufficient to prove, that no more arduous or complicated duties of magistracy exist in the world, no qualifications more various, or more comprehensive, can be imagined than those which are required from every British subject, who enters the seat of judgment within the limits of the Company's emipre in India.

To the administration of the revenue, many of the preceding

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observations will apply with equal force; the merchants, factors and writers, employed in this department also, are bound by law to abjure the mercantile denomination appropriated to their respective classes in the Company's service; nor is it possible for a collector of the revenue, or for any civil servant employed under him, to discharge his duty with common justice, either to the state, or to the people, unless he shall be conversant in the language, manners, and usages of the country; and in the general principles of the law, as administered in the several courts of justice. In addition to the ordinary judicial and executive functions of the Judges, Magistrates, and Collectors, the Judges and Magistrates occasionally act in the capacity of Governors of their respective districts, employing the military, and exercising other extensive powers. The Judges, Magistrates, and Collectors, are also respectively required by law to propose, from time to time, to the Governor-General in Council, such amendments of the existing laws, or such new laws as may appear to them to be necessary for the welfare and good government of their respective districts. In this view the civil servants employed in the departments of Judicature and Revenue, constitute a species of subordinate legislative council to the Governor-General in Council, and also form a channel of communication, by which the Government ought to be enabled, at all times, to ascertain the wants and wishes of the people. The remarks applied to these two main branches of the civil service, namely, those of Judicature and Revenue, are at least equally forcible in their application to those branches which may be described under the general terms of the Political and Financial Departments, comprehending the offices of Chief Secretary, the various stations in the Secretary's office, in the Treasury, in the office of Accountant-General, together with all the public officers employed in conducting the current business at the seat of Government. To these must be added the Diplomatic branch, including the Secretary in the political department, and the several

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residencies at the Courts of our dependent and tributary Princes, or of other native powers of India.

It is certainly desirable, that all these stations should be filled by the civil servants of the Company: It is equally evident, that qualifications are required in each of these stations, either wholly foreign to commercial habits, or far exceeding the limits of a commercial education.

Even that department of this empire, which is denominated exclusively commercial, requires knowledge and habits different, in a considerable degree, from those which form the mercantile character in Europe; nor can the Company's investment ever be conducted with the greatest possible advantage and honour to themselves, or with adequate justice to their subjects, unless their commercial agents shall possess many of the qualifications of statesmen, enumerated in the preceding observations. The manufacturers, and other industrious classes, whose productive labour is the source of the investment, bear so great a proportion to the total population of the Company's dominions, that the general happiness and prosperity of the country must essentially depend on the conduct of the commercial servants employed in providing the investment: their conduct cannot be answerable to such a charge, unless they shall be conversant in the native languages, and in the customs and manners of the people, as well as in the laws by which the country is governed. The peace, order, and welfare of whole provinces may be materially affected by the malversations, or even by the ignorance and errors of a commercial resident, whose management touches the dearest and most valuable interests, and enters into the domestic concerns of numerous bodies of people, active and acute from habitual industry, and jealous of any act of power injurious to their properties, or contrary to their prejudices and customs.

The Civil servants of the English East India Company, therefore, can no longer be considered as the agents of a commercial concern. They are, in fact, the ministers and

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officers of a powerful sovereign; they must now be viewed in that capacity, with reference, not to their nominal, but to their real occupations. They are required to discharge the functions of Magistrates, Judges, Ambassadors, and Governors of provinces, in all the complicated and extensive relations of those sacred trusts and exalted stations, and under peculiar circumstances, which greatly enhance the solemnity of every public obligation, and aggravate the difficulty of every public charge. The duties are those of statesmen in every other part of the world, with no other characteristic differences than the obstacles opposed by an unfavourable climate, by a foreign language, by the peculiar usages and laws of India, and by the manners of its inhabitants. Their studies, the discipline of their education, their habits of life, their manners and morals should, therefore, be so ordered and regulated as to establish a just conformity between their personal consideration, and the dignity and importance of their public stations, and to maintain a sufficient correspondence between their qualifications and their duties. Their education should be founded in a general knowledge of those branches of literature and science which form the basis of the education of persons destined to similar occupations in Europe. To this foundation should be added an intimate acquaintance with the history, languages, customs and manners of the people of India, with the Mahommedan and Hindoo codes of law and religion, and with the political and commercial interests and relations of Great Britain in Asia. They should be regularly instructed in the principles and system which constitute the foundation of that wise code of regulations and laws enacted by the Governor-General in Council for the purpose of securing to the people of this empire the benefit of the ancient and accustomed laws of the country, administered in the spirit of the British constitution. They should be well informed of the true and sound principles of the British constitution, and sufficiently grounded in the general principles of ethics, civil jurisprudence, the law of

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nations, and general history, in order that they may be enabled to discriminate the characteristic differences of the several codes of law administered within the British Empire in India, and practically to combine the spirit of each in the dispensation of justice, and in the maintenance of order and good government. Finally, their early habits should be so formed, as to establish in their minds such solid foundations of industry, prudence, integrity, and religion, as should effectually guard them against those temptations and corruptions with which the nature of this climate, and the peculiar depravity of the people of India, will surround and assail them in every station, especially upon their first arrival in India. The early discipline of the service should be calculated to counteract the defects of the climate and the vices of the people, and to form a natural barrier against habitual indolence, dissipation, and licentious indulgence; the spirit of emulation, in honourable and useful pursuits, should be kindled and kept alive by the continual prospect of distinction, and reward, of profit, and honour; nor should any precaution be relaxed in India, which is deemed necessary in England to furnish a sufficient supply of men qualified to fill the high offices of the State with credit to themselves and with advantage to the public. Without such a constant succession of men in the several branches and departments of this Government, the wisdom and benevolence of the law must prove vain and inefficient. Whatever course and system of discipline and study may be deemed requisite in England to secure an abundant and pure source for the efficient supply of the public service, the peculiar nature of our establishments in the East, (so far from admitting any relaxation of those wise and salutary rules and restraints) demands that they should be enforced with a degree of additional vigilance and care, proportioned to the aggravated difficulties of the civil service, and to the numerous hazards surrounding the entrance of public life in India.

It is unnecessary to enter into any examination of facts to prove, that no system of education, study, or discipline,

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now exists, either in Europe or in India, founded on the principles, or directed to the objects described in the preceding pages ; but it may be useful in this place to review the course through which the junior civil servants of the East India Company now enter upon the important duties of their respective stations, to consider to what degree they now possess or can attain any means of qualifying themselves sufficiently for those stations, and to examine whether the great body of the civil servants of the East India Company, at any of the Presidencies, can now be deemed competent to discharge their arduous and comprehensive trusts in the manner correspondent to the interests and honour of the British name in India, or to the prosperity and happiness of our native subjects.

The age at which the writers usually arrive in India is from sixteen to eighteen; their parents or friends in England, from a variety of considerations, are naturally desirous, not only to accelerate the appointment at home, but to despatch the young man to India at the earliest possible period. Some of these young men have been educated with an express view to the civil service in India, on principles utterly erroneous, and inapplicable to its actual condition ; conformably to this error, they have received a limited education, confined principally to commercial knowledge, and in no degrec extended to those liberal studies which constitute the basis of education at public schools in England. Even this limited course of study is interrupted at the early period of fifteen or seventeen years.

It would be superfluous to enter into any argument to demonstrate the absolute insufficiency of this class of young men to execute the duties of any station whatever in the civil service of the Company beyond the menial, laborious, unwholesome and unprofitable duty of a mere copying-clerk. Those who have received the benefits of a better education, have the misfortune to find the course of their studies prematurely interrupted at the critical period when its utility is first felt,

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and before they have been enabled to secure the fruits of early application.

Both descriptions of young men, those whose education has been originally erroneous and defective, and those, the early promise of whose studies has been unseasonably broken, once arrived in India, are equally precluded from the means, either of commencing a new and judicious course of study, adapted to their new situation, or of prosecuting that course which had been prematurely interrupted. Not only no encouragement is offered by the present constitution and practice of the civil service to any such pursuits, but difficulties and obstacles are presented by both which render it nearly impossible for any young man, whatever may be his disposition, to pursue any systematic plan of study, either with a view to remedy the defects, or to improve the advantages of his former education.

On the arrival of the writers in India, they are either stationed in the interior of the country, or employed in some office at the Presidency.

If stationed in the interior of the country, they are placed in situations which require a knowledge of the language and customs of the natives; or of the regulations and laws; or of the general principles of jurisprudence; or of the details of the established system of revenue; or of the nature of the Company's investment; or of many of these branches of information combined. In all these branches of knowledge, the young writers are totally uninformed. They are consequently unequal to their prescribed duties. In some cases, their superior in office experiencing no benefit from their services, leaves them unemployed. In this state many devote their time to those luxuries and enjoyments which their situation enables them to command, without making any effort to qualify themselves for the important stations to which they are destined. They remain sunk in indolence, until, from their station in the service, they succeed to offices of high public trust.

Positive incapacity is the necessary result of these pernicious habits of inaction; the principles of public integrity

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are endangered, and the successful administration of the whole Government exposed to hazard. This has been the unhappy course of many, who have conceived an early disgust in provincial stations against business, to which they have found themselves unequal, and who have been abandoned to the effects of despondency and sloth.

Even the young men whose dispositions are the most promising, if stationed in the interior of the country at an early period after their arrival in India, labour under great disadvantages. They also find themselves unequal to such duties as require an aquaintance with the languages, or with the branches of knowledge already described. If intensely employed in the subordinate details of office, they are absolutely precluded from reviving any former acquirements, or from establishing those foundations of useful knowledge indispensably necessary to enable them hereafter to execute the duties of important stations with ability and credit. Harassed with the ungrateful task of transcribing papers and accounts, or with other equally fatiguing and fruitless labours of a copying-clerk or index-maker, their pursuit of useful knowledge cannot be systematic; their studies must be desultory and irregular, and their attention to any definite pursuit is still more distracted by the uncertainty of the nature of those employments to which they may hereafter be nominated. No course of study having been pointed out by public institution, no selection prescribed by authority of the branches of knowledge appropriated to each department and class of the service, diligence is lost for want of a guide, and the most industrious are discouraged by the apprehension, that their studies may prove fruitless, and may frustrate instead of promoting their advancement in the public service.

When their rank in the service has entitled them to succeed to offices of importance, the current duties of those offices necessarily engross their whole attention. It is then too late to revert to any systematic plan of study with a view to acquire those qualifications, of which, in the ordinary

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discharge of their official functions, they feel the hourly want. If, at this late season, they should make an effort to acquire knowledge, it must be sought by the interruption of their current business, to the detriment of the public interests, and to the inconvenience or injury of the individuals subject to their authority.

With respect to the young men attached to offices at the Presidency, their duty consists chiefly in transcribing papers. This duty, if pursued with the utmost diligence and assiduity, affords little knowledge of public affairs, is often prejudicial to health, and would be better performed by any native or Portuguese writer. They attain no distinct knowledge of the public records; because they pursue no regular course of reading, examining, or comparing the documents which compose those records; they have, indeed, scarcely time to understand and digest those papers which they are employed to transcribe; their acquaintance even with the current affairs of the Government must be limited and partial, and must rather tend to confuse than to instruct their minds. At the expiration of the period, during which they usually remain in these situations at the Presidency, their knowledge of public business is necessarily superficial and incorrect. Having had little intercourse with the natives, these young men are in general extremely deficient in the knowledge of the language of the country. In the meanwhile their close and laborious application to the hourly business of transcribing papers has been an insuperable obstacle to their advancement in any other branch of knowledge, and at the close of two or three years, they have lost the fruits of their European studies, without having gained any useful knowledge of Asiatic literature or business. Those whose disposition lead them to idleness and dissipation, find greater temptations to indulgence and extravagance at the Presidency than in the provinces; many instances occur in which they fall into irretrievable courses of gaming and vice, and totally destroy their health and fortunes. Some succeed, in the ordinary

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progress of the service, to employments, in which their incapacity or misconduct becomes conspicuous to the natives, disgraceful to themselves and to the British name, and injurious to the State.

All these descriptions of young men, upon their first arrival in India, are now exposed to a disadvantage, the most perilous which can be encountered at an early period of life. Once landed in India, their studies, manners, morals, expenses or conduct are no longer subject to any degree of regulation or direction. No system is established for their guidance, improvement, or restraint; no authority has been constituted with either the duty or power of enforcing any such system; and they are abandoned, at the age of sixteen or eighteen, with affluent incomes to pursue their own inclinations, without the superintendence or control of parent, guardian, or master, often without a friend to advise or admonish, or even to instruct them in the ordinary details and modes of an Indian life.

The practice of consigning the young writers to the care of friends resident in India, affords no adequate remedy to this evil. Those friends are often incompetent to the arduous and delicate task imposed upon them; and it frequently happens that they may be so far removed from the spot at which the young man may be stationed by the Government, that years may elapse before he may have been able even to see the persons appointed by his European friends to superintend his introduction into India.

In earlier periods of our establishment, when the annual incomes of the civil servants were of a more fluctuating nature, and derived from sources more vague and indefinite, the tables of the senior servants were usually open to those recently arrived from Europe; and the young writers, upon their first landing in India, were frequently admitted and domiciliated in the families established at the Presidency or in the provinces.

The objections to this loose and irregular system are numerous and obvious. Without entering upon that topic, it is

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sufficient to observe, that the definite and regular sources of profit, established in the civil service by Lord Cornwallis, have occasioned a material alteration in the economy of every private family among the civil servants.

Incomes being limited and ascertained, and no other source of emolument now existing beyond the annual savings from the regulated salaries, the tables of the civil servants can no longer be open to receive the numerous body of writers annually arriving from Europe; still less can these young men be generally admitted to reside habitually in families of which the annual expenses are now necessarily restrained within certain and regular bounds.

Many of the young men, on their first arrival, are, therefore, compelled to support the expense of a table; the result of this necessity is obvious, and forms one leading cause of expense and dissipation.

Under all these early disadvantages, without rule or system to direct their studies; without any prescribed object of useful pursuit connected with future reward, emolument, or distinction; without any guide to regulate, or authority to control their conduct, or to form, improve, or preserve their morals; it is highly creditable to the individual characters of the civil servants of the East India Company, that so many instances have occurred in various branches and departments of the civil service at all the Presidencies, of persons who have discharged their public duties with considerable respect and honour.

It has been justly observed, that all the merits of the civil servants are to be ascribed to their own characters, talents, and exertions, while their defects must be imputed to the constitution and practice of the service, which have not been accommodated to the progressive changes of our situation in India, and have not kept pace with the growth of this empire or with the increasing extent and importance of the functions and duties of the civil servants.

The study and acquisition of the languages have, however,

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been extended in Bengal, and the general knowledge and qualifications of the civil servants have been improved. The proportion of the civil servants in Bengal, who have made a considerable progress towards the attainment of the qualifications requisite in their several stations, appears great, and even astonishing, when viewed with relation to the early disadvantages, embarrassments, and defects of the civil service. But this proportion will appear very different when compared with the exigencies of the State, with the magnitude of these provinces, and with the total number of the civil servants, which must supply the succession to the great offices of the Government. It must be admitted that the great body of the civil servants in Bengal is not at present sufficiently qualified to discharge the duties of the several arduous stations in the administration of this empire: and that it is peculiarly deficient in the judicial, fiscal, financial, and political branches of the Government.

The state of the civil services of Madras and Bombay is still more defective than that of Bengal. Various causes have concurred to aggravate, in an extreme degree, at both those Presidencies all the defects existing in the civil service of Bengal, while many circumstances peculiar to those Presidencies have favoured the growth of evils at present unknown in this. The condition of the writers, on their first arrival at either of the subordinate Presidencies, is still more destitute, and more exposed to hazard, than at Calcutta.

The study or acquisition of the languages, and of other necessary attainments has not been extended in the civil service at Madras or Bombay to any considerable degree. To this remark, eminent and meritorious individual exceptions exist in the civil service at both subordinate Presidencies; but those exceptions are not sufficiently numerous to constitute a general rule. But whatever may be the actual condition of the civil service in its superior classes at any of the Presidencies, if the arduous duties of that service have been justly defined in the preceding pages, if the qualifications requisite for their discharge have been truly

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described, if the neglected and exposed condition of the early stages of the service has not been exaggerated, it must be admitted, that those stages of the service require additional safeguards, and a more effectual protection. The extraordinary exertions of individual diligence, the partial success of singular talents, or of peculiar prudence and virtue, constitute no rational foundation of a public institution, which should rest on general comprehensive and uniform principles. If the actual state of the higher classes of the civil service were such as to justify a confidence in the general competency of the civil servants to meet the exigencies of their duty, the necessity of correcting the evils stated in the preceding pages would still remain, unless the facts alleged could be disproved. It would still be a duty incumbent on the Government to remove any obstacles tending to embarrass or retard the progress of their servants in attaining the qualifications necessary for their respective stations. The Government is not released from this duty by the extraordinary, or even general exertion of those servants to surmount the early difficulties of the first stages of the service. If the good Government of this empire be the primary duty of its sovereign, it must ever be a leading branch of that duty to facilitate to the public officers and ministers the means of qualifying themselves for their respective functions. The efficiency of the service cannot wisely or conscientiously be left to depend on the success of individual or accidental merit, struggling against the defects of established institutions. A due administration of our affairs can alone be secured by the constant effect of public institutions, operating in a regular and uninterrupted course upon the various characters, talents, and acquirements of individuals. The nature of our establishments should furnish fixed and systematic encouragement to animate, to facilitate, to reward the progress of industry and virtue; and fixed and systematic discipline, to repress and correct the excesses of contrary dispositions.

From these remarks may be deduced the indispensable necessity of providing some effectual and speedy remedy for the defects in the education of the young men destined to the

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civil service in India. The nature of that remedy will afford matter of serious discussion.

It may, however, be useful, previously to that discussion, to advert to a general topic of argument, which may possibly be adduced to disprove the necessity of any new institution for the improvement of the civil service of the East India Company. It may be contended, that this service, through a long period of years, and in the course of various changes and chances, has always furnished men equal to the exigency of the occasion; that servants of the Company have never been wanting to conduct to a happy issue the numerous revolutions which have taken place in the affairs of the Company in India; and that these eminent personages have ultimately fixed the British empire in India on the most solid foundations of glory, wealth, and power. Why, therefore, should we apprehend, that this source, hitherto so fruitful and furnishing so abundant a supply of virtue and talents, will fail in the present age, and prove insufficient to the actual demands of our interests in this quarter of the globe? The answer to this topic of argument is obvious. Extraordinary combinations of human affairs, wars, revolutions, and all those unusual events which form the marked features and prominent characters of the history of mankind, naturally disclose talents and exertions adapted to such emergencies. That the civil or military service of the East India Company has supplied persons calculated to meet all the wonderful revolutions of affairs in India, is a circumstance not to be attributed to the original or peculiar constitution of either service at any period of time. That constitution has undergone repeated alterations at the suggestion, and under the direction of the great characters which it has produced; and it has still been found answerable to every new crisis of an extraordinary nature. But it must never be forgotten, that the successive efforts of those eminent personages, and the final result of various revolutions and wars, have imposed upon the East India Company the arduous and sacred trust of governing an extensive and populous empire. It is true that this empire

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must be maintained in some of its relations by the same spirit of enterprize and boldness which acquired it. But duty, policy and honour require that it should not be administered as a temporary and precarious acquisition, as an empire conquered by prosperous adventure, and extended by fortunate accident, of which the tenure is as uncertain as the original conquest and successive extension were extraordinary; it must be considered as a sacred trust, and a permanent possession. In this view its internal government demands a constant, steady, and regular supply of qualifications, in no degree similar to those which distinguished the early periods of our establishment in India, and laid the first foundations of our empire. The stability of that empire, whose magnitude is the accumulated result of former enterprize, activity and resolution, must be secured by the durable principles of internal order; by a pure, upright, and uniform administration of justice; by a prudent and temperate system of revenue; by the encouragement and protection of industry, agriculture, manufacture and commerce; by a careful and judicious management of every branch of financial resource; and by the maintenance of a just, firm, and moderate policy towards the native powers of India. To maintain and uphold such a system in all its parts, we shall require a succession of able magistrates, wise and honest judges, and skilful statesmen, properly qualified to conduct the ordinary movements of the great machine of Government.

The military establishments of this empire form no part of the subject of the present enquiry. It may be sufficient to observe in this place, that their extent, and the spirit in which they require to be governed, must correspond with the magnitude of the empire, and with the general character of our civil policy. In the civil service, we must now seek, not the instruments by which kingdoms are overthrown, revolutions accomplished, or wars conducted, but an inexhaustible supply of useful knowledge, cultivated talents, and well ordered and disciplined morals. These are the necessary instruments of

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a wise and well regulated Government. These are the genuine and unfailing means of cultivating and improving the arts of peace; of diffusing affluence and happiness, willing obedience, and grateful attachment over every region and district of this vast empire; and of dispensing to every class and description of our subjects the permanent benefits of secure property, protected life, undisturbed order, and inviolate religion. It is not the nature of these inestimable blessings to spring from a turbid source, or to flow in a contracted and irregular channel.

The early education of the civil servants of the East India Company is the source from which will ultimately be derived the happiness or misery of our native subjects; and the stability of our Government will bear a due proportion to its wisdom, liberality, and justice.

From the preceding discussion, it appears, that the actual state of the Company's civil service in India is far removed from perfection or efficiency, and that the cause of this defect is to be found principally, if not exclusively, in the defective education of the junior civil servants, and in the insufficient discipline of the early stages of the service. The facts, which have been reviewed in the course of this discussion, furnish the main principles on which an improved system of education and discipline may be founded with a view to secure the important ends of such an institution.

The defects of the present condition of the civil service may be comprised under the following heads :—

First, An erroneous system of education in Europe confined to commercial and mercantile studies.

Secondly, The premature interruption of a course of study judiciously commenced in Europe.

Thirdly, The exposed and destitute condition of young men on their first arrival in India, and the want of a systematic guidance and established authority to regulate and control their moral and religious conduct in the early stages of the service.

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Fourthly, The want of a similar system and authority to prescribe and enforce a regular course of study, under which the young men upon their arrival in India might be enabled to correct the errors, or to pursue and confirm the advantages of their European education, and to attain a knowledge of the languages, laws, usages and customs of India, together with such other branches of knowledge, as are requisite to qualify them for their several stations.

Fifthly, The want of such regulations as shall establish a necessary and inviolable connection between promotion in the civil service, and the possession of those qualifications requisite for the due discharge of the several civil stations.

It is obvious, that an education exclusively European, or Indian, would not afford an adequate remedy for such of these defects as relate to the morals and studies of the East India Company's servants, and would not qualify them for the discharge of duties of a mixed and complicated nature, involving the combined principles of Asiatic and European policy and government. Their education must therefore be of a mixed nature, its foundation must be judiciously laid in England, and the superstructure systematically completed in India.

An important question may arise, with respect to the proportion of time to be employed in that part of the education of the junior civil servants, which should be appropriated to England; and completed previously to their departure for India. It may be contended, that many of the enumerated evils may be precluded by not allowing the writers to proceed to India until they shall have reached a more advanced age, than that at which they now usually embark and by requiring them to undergo examinations in England, for the purpose of ascertaining their proficiency in the branches of knowledge necessary to the discharge of their duties in India.

To this arrangement various objections of a private, but most important nature, will arise in the mind of every parent, who may have destined his children for India. To attain

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any considerable proficiency in the course of education and study described in this paper, must necessarily require the detention of the student in Europe to the age of 20 or 22 years; many parents could not defray the expence of such an education in England, even if the other means of prosecuting it now existed, or could hereafter be provided at any school or college at home.

Other objections of a private nature might be stated against this plan; but those which are founded on public considerations appear to be absolutely insurmountable. It is a fundamental principle of policy in the British Establishments in the East Indies, that the views of the servants of the Company should terminate in the prospect of returning to England, there to enjoy the emoluments arising from a due course of active and honourable service in India.

Were the civil servants, instead of leaving England at the age of sixteen or seventeen, to be detained until the age of twenty or two-and-twenty; a great proportion of them must abandon all hope of returning with a moderate competence to their native country.

Remaining in England to this advanced age, many would form habits and connections at home, not to be relinquished at that period of life without great reluctance; and few would accommodate themselves with readiness and facility to the habits, regulations and discipline of the service in India.

While these causes would render the civil servants intractable instruments in the hands of the Government of India, the regular progress through the service would also be retarded. Twenty-five years may be taken as the period within which a civil servant may regularly acquire with proper habits of economy, an independent fortune in India. Upon this calculation, before the most successful could hope to be in a situation to return to England, they would have attained an age, when many of the powerful affections and inducements, which now attract the servants of the Company to return to

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their native country, would be greatly weakened if not entirely extinguished.

At that age, many from necessity, and many probably from choice, would establish themselves, permanently in India. It is unnecessary to detail the evil consequences which would result to the British interests in India, were such an habit to become general in the civil service.

Detention in England to the age of twenty or twenty-two years would certainly afford the writers an opportunity of advancing their knowledge in the necessary branches of European study; but within that period of time, even in those branches it could scarcely be completed; especially in the important sciences of general ethics and jurisprudence (for how few understandings are equal to such a course of study previously to the age of twenty,) and it would be entirely defective in the essential point of connecting the principles of those sciences with the laws of India, and with the manners and usages of its inhabitants. No establishment formed in England could give a correct [1] practical knowledge of the languages, laws and customs of India, of the peculiar habits and genius of the people, of their mode of transacting business, and of the characteristic features of their vices or virtues. These most essential acquirements would, therefore, remain to be attained after the arrival of the student in India, at an age when the study of languages is attended with additional difficulties, when any prescribed course of study, when any systematic discipline, or regular restraint becomes irksome, if not intolerable. As the East India Company's servants would arrive in India at a period of life too far advanced to admit of subjection to any system of public discipline or control, they must necessarily be left to the dictates of their own discretion with regard to whatever part of their knowledge had been left incomplete in Europe.

[1] Sir W. Jones was not intelligible to the natives of India, when he arrived at Calcutta, in any of the oriental languages.

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The wants and expenses of individuals arriving in India at the age of twenty or twenty-two years would greatly exceed the scale of the public allowances to the junior servants. At this age no restraint could be applied in India to their moral conduct, for the purpose of protecting them against the peculiar depravities incident to the climate, and to the character of the natives.

From the early age at which the writers are now usually sent to India, opportunity is afforded to the government on the spot of obtaining a knowledge of the characters of individuals, before they become eligible to stations of trust and importance. Of this advantage the government would be in a great degree deprived, if the East India Company's servants were all detained in England until the age of twenty or twenty-two : this inconvenience would prove nearly an insurmountable impediment to the important and necessary rule of selecting for public office, those best qualified to discharge its duties with propriety and effect.

The junior civil servants must, therefore, continue to embark for India at the age of fifteen or sixteen, that they may be tractable instruments in the hands of the government of the country ; that their morals and habits may be duly formed and protected by proper safeguards against the peculiar nature of the vices and characteristic dangers of Indian society; that they may be enabled to pass through the service before the vigour of life has ceased, and to return with a competent fortune to Europe, while the affections and attachments which bind them to their native country, continue to operate with full force; and lastly, that they may possess regular, seasonable and certain means of attaining the peculiar qualifications necessary for their stations.

Under all these circumstances, the most deliberate and assiduous examination of all the important questions considered in this paper, determined the Governor-General to found a Collegiate Institution at Fort William, by the annexed regulation.

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II.

This regulation comprises all the fundamental principles of the Institution. The detailed statutes for the internal discipline and good government of the College will be framed gradually as circumstances may require.

A common table and apartments are to be provided in the College, for all the civil servants who may be attached to the establishment.

The benefits of the establishment are extended to the junior civil servants of Fort St. George and Bombay, who will be directed to proceed to Fort William as soon as the accommodations requisite for their reception shall have been provided.

This arrangement appeared in every respect preferable to the establishment of Colleges at both, or either of those Presidencies. Independently of the considerations of expense and other objections and impediments to the foundation of such Institutions at Fort St. George and Bombay, it is of essential importance, that the education of all the civil servants of the Company should be uniform, and should be conducted under the immediate superintendence of that authority, which is primarily responsible for the government of the whole of the British possessions in India; and which must consequently be most competent to judge of the nature and principles of the education which may be most expedient for the public interests.

It may be expected, that the operation of this part of the new institution will ultimately extinguish all local jealousies and prejudices among the several Presidencies; the political, moral, and religious principles of all the British Establishments in India, will then be derived directly from one common source; the civil service of Bengal is unquestionably further advanced in every useful acquisition, and in every respect more regular and correct than that of either of the subordinate Presidencies; no more speedy or efficaious mode can be devised of diffusing throughout India, the laudable spirit of

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the service of Bengal, and of extending the benefit of improvements, which, under the new institution, may be expected to make a rapid progress at the seat of the Supreme Government, than by rendering Fort William the centre of the education and discipline of the junior civil servants in India.

Provision is made for admitting to the benefits of the Institution civil servants of a longer standing than three years (on their making application for that purpose) under such regulations as may be deemed advisable. The Institution may prove highly beneficial to many servants of this description ; as many of them will be received on the establishment as its funds and other considerations may admit.

Provision is also made for extending the benefits of the Institution to as many of the junior military servants, as it may be found practicable to admit from all the Presidencies. Essential benefits will result to the British armies in India, from the annual introduction of a number of young men, well versed in the languages with which every officer, but particularly those belonging to the native corps, ought to be acquainted. It is also of most essential importance to the army in India, that it should be composed of officers attached by regular instruction, and disciplined habits, to the principles of morality, good order, and subordination.

Further regulations are in the contemplation of the Governor-General, for the education of the cadets destined for the army in India, which will be connected intimately with the present foundation.

It cannot be denied that, during the convulsions with which the doctrines of the French Revolution have agitated the Continent of Europe, erroneous principles of the same dangerous tendency had reached the minds of some individuals in this civil and military service of the Company in India ; and the state, as well of political, as of religious opinions had been in some degree unsettled. The progress of this mischief would at all times be aided by the defective and irregular education of the writers and cadets ; an Institution

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tending to fix and establish sound and correct principles of religion and government in their minds at an early period of life, is the best security which can be provided for the stability of the Brisish power in India. The letter of the Court of Directors, under date the 25th May, 1798, has been constantly present to the Governor-General's minds; it is satisfactory to know, after the fullest consideration, that many apprehensions stated in that letter, appear to have been conceived with more force than is required by the actual state of any of the settlements in India.

But among other important advantages of the new Institution, it will provide the most effectual and permanent remedy against the evils, (as far as they existed) which it was the object of the orders of the Honourable Court of the 25th of May, 1798, to correct.

The situation of the junior servants on their early arrival in India, has been fully described in this paper. Under the new Institution, they will be immediately received by the Provost, (a clergyman of the church of England;) they will be provided with apartments in the College, and with a common table; consequently they will be removed from the danger of profusion, extravagance and excess. Every part of their private conduct, their expenses, their connections, their manners and moralswill be subject to the notice of the Provost, and principal officers of the College, and (through the collegiate authorities) of the government itself.

While attached to the Institution, the junior servants will have the most ample means afforded to them of completing the European branch of their education, or of correcting its defects; of acquiring whatever local knowledge may be necessary for that department of the service, in which (after mature reflection on their own inclinations, acquisition and talents) they may determine to engage; of forming their manners and of fixing their principles on the solid foundations of virtue and religion.

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The acquirements, abilities, and moral character of every civil servant may be ascertained before he can be eligible to a public station; and every selection of persons for high and important offices may be made under a moral certainty that the public expectation cannot be disappointed.

The twenty-fourth clause of the Regulation will afford the foundation of a law which may at all times secure the civil service against the effects of the possible partiality or ignorance of any government.

It is intended that the allowance of every civil servant of less than three years' standing, being a student in the College should be brought to one standard of 300 rupees per month, without any allowance for a Moonshy.

As a table and apartments will be provided for the students, this allowance will place them in a better situation than any writer of the same standing now enjoys. With these advantages, under the control of the official authorities of the College, and with the benefit of their advice and admonition, aided by statutes for the prevention of extravagance and debt, it may be hoped that many young men will adopt early habits of economy, and will lay the foundations of honest independence at a much earlier period than is now practicable. This advantage will be considerable in every view, in no one more than as it will tend to contract the period of each servant's residence in India, to give a nearer prospect of return to England. and to keep that desirable object more constantly in view.

The discipline of the College will be as moderate as may be consistent with the ends of the Institution. It will impose no harsh or humiliating restraint, and will be formed on principles combining the discipline of the Universities in England with that of the Royal Military Acadmies of France and of other European monarchies.

It may be expected that the great majority of young men on their arrival in India, will eagerly embrace the opportunities afforded to them by this Institution of laying the

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foundations of private character, of public reputation, and of early independence. It cannot be supposed that many will be so insensible to their own honour and interests, and so destitute of every liberal feeling and sentiment, as not to prefer the proposed course of studies in the College to the menial labour imposed upon them of transcribing papers in an office where, in the nature of their duty, they are levelled with the native and Portuguese clerks, although infinitely inferior in its execution.

Those young men who may not at the first view discover all the advantages to be derived from the Institution, will soon improve by the example and communications of others. If any individuals should continue insensible to the calls of public duty, and of private reputation, (and it is of importance that persons of this description should be known before an opportunity has been afforded to them of injuring the public interests, by their vices and defects,) the public good will demand that they should be punished by neglect and exclusion from employment. Considering the liberal manner in which the servants of the Company are rewarded for their services, the public may justly insist on submission to whatever regulations may be prescribed by this Institution.

The incitements to exertion being as powerful as the consequences of contrary habits will be ruinous, instances of gross neglect or contumacy will rarely occur. In this respect the Institution possesses peculiar advantages, and it will become a powerful instrument in the hands of the Government in India, which will be enabled thereby to bring the general character of the servants of the Company to such a standard of perfection as the public interests require. To every other inducement, which any Collegiate Institution in the world can supply for the encouragement of diligence, will be added the immediate view of official promotion, increase of fortune, and distinction in the public service.

If it be asked whether it be proper that the whole time of

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the junior servant. for the first three years of their residence in India should be devoted to study in the College, and that the Company should lose the benefit of their services during that period, while the junior servants receive a salary?

It may be enquired, on the other hand, what is now the occupation of the civil servants for the first three years after their arrival in India, what benefit the Company now derives from the services of the junior servants during that period, and what, in general, are now the characters and qualifications of those servants at the expiration of that period?

To all these questions sufficient answers have been given in the preceding pages.

Further details respecting the nature of the Institution will be forwarded officially to the Court of Directors at an early period.

The reasons which induced the Governor-General to found the College without any previous reference to England were these;—His conviction of the great immediate benefit to be derived from the early commencement even of the partial operation of the plan.

His experience of the great advantages which had been already derived by many of the young men from their attendance on Mr. Gilchrist, in consequence of the first experiment made on a contracted scale with a view to a more extended Institution.

His anxiety to impart to the very promising young men arrived from Europe within the last three years, a share of the advantages described in this paper, and his solicitude to superintend the foundation of the Institution, and to accelerate and witness its first effects.

This Institution will be best appreciated by every affectionate parent in the hour of separation from his child, destined to the public service in India. Let any parent (especially if he has himself passed through the Company's service in India) declare, whether the prospect of this Institution has aggravated or mitigated the solicitude of that painful

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hour—whether it has raised additional doubts and fears, or inspired a more lively hope of the honourable and prosperous service, of the early and fortunate return of his child?

With regard to the funds for defraying the expense of the Institution, the Governor-General does not intend, without the sanction of the Honourable Court of Directors, to subject the Company to any expense on account of the Institution, beyond that which has already received their sanction independently of the Institution.

The Honourable Court have authorized this Government to purchase the Writers' buildings if they can be obtained on advantageous terms. These buildings cannot be obtained on such terms; nor can they be advantageously converted to the final purposes of the Institution. A sum equal to the just value of the buildings, or to the rent now paid for them, will be applied towards the purchase of a proper spot of ground, and to the buildings requisite for the College.

The ground proposed to be employed is situated on the Garden Reach, where three or four of the present gardens will be laid together, a new road formed, and a large space of ground cleared and drained. This arrangement will improve the general health of the neighbourhood of Calcutta, as well as afford ample room for every accommodation required for the use of the College, or for the health of the students.

The expenses of the Institution will be defrayed by a small contribution from all the civil servants in India, to be deducted from their salaries. This resource will probably be sufficient for all present purposes, with the addition of the fund now applied to the Moonshy's allowance; and of the profits to be derived from a new arrangement of the Government printing-press.

The Governor-General has not deemed it proper, in the first instance, to subject the Company to any additional expense on account of the Institution. The Honourable Court of Directors will however, reflect that the Institution is calculated to extend the blessings of good government to the

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many millions of people whom Providence has subjected to our dominion, to perpetuate the immense advantages now derived by the Company from their possessions in India, and to establish the British Empire in India on the solid foundations of ability, integrity, virtue, and religion. The approved liberality of the Honourable Court will therefore certainly be manifested towards this Institution to an extent commensurate with its importance.

It would produce a most salutary impression in India if the Court, immediately on receiving this Regulation, were to order the Governor-General in Council to endow the College with an annual rent-charge on the revenues of Bengal, and issue a similar order to the Governor in Council at Fort St. George with respect to the revenue of Mysore; leaving the amount of the endowment, on each fund, to the Governor-General in Council.

All those who feel any concern in the support of the British interests in India, and especially those whose fortunes have been acquired in the service of the Company, or whose connections may now or hereafter look to this service for advancement, will undoubtedly contribute to the support of this Institution. Under the auspices of the Court, it is hoped that a large sum might be raised by subscription in Europe. The Governor-General considered the College at Fort William to be the most becoming public monument which the East India Company could raise to commemorate the conquest of Mysore. He has accordingly dated the law for the foundation of the College on the 4th of May, 1800, the first anniversary of the reduction of Seringapatam.

The early attention of the Governor-General will be directed to the Mahommedan College founded at Calcutta, and to the Hindoo College established at Benares. In the disorders which preceded the fall of the Mogul Empire and the British conquests in India, all the public Institutions calculated to promote education and good morals were neglected, and at length entirely discontinued. The Institutions at Calcutta

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and Benares may be made the means of aiding the study of the laws and languages in the College at Fort William, as well as of correcting the defective moral principles too generally prevalent among the natives of India.

An establishment of Moonshies and native teachers of the languages under the control of the collegiate officers at Fort William will be attached to the new College, and the young men will be supplied from this establishment, instead of being left (as at present) to exercise their own discretion in hiring such Moonshies as they can find in Calcutta or in the provinces.

These arrangements respecting the native Colleges, while they contribute to the happiness of our native subjects, will qualify them to form a more just estimate of the mild and benevolent spirit of the British Government.

In selecting the Garden Reach for the site of the building for the New College, two objects were in the contemplation of the Governor-General; first, that the ordinary residence of the students should be so near that of the Governor-General as that he may have the constant means of superintending the whole system and discipline of the Institution. The distance of fifteen or sixteen miles, in this climate would often embarrass the communication.

Secondly. That the College should be removed to some distance from the Town of Calcutta. The principle of this object is sufficiently intelligible without further explanation; it is, however, desirable that the College should not be so remote from Calcutta as to preclude the young men from all intercourse with the society of that city. Advantages may be derived from a regulated intercourse with the higher classes of that society. The Garden Reach combines these advantages, with many others of space and accommodation. The situation of the Writers' buildings is objectionable on account of their being placed in the centre of the town. Nor would it have been practicable in that situation (even if the Writers' buildings could have been purchased on reasonable

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terms) to have obtained an area of ground sufficiently spacious for the new building.

As it will require a considerable time before the new buildings in Garden Reach can be completed, it is intended in the meanwhile to continue to occupy the Writers' buildings, and to hire such additional buildings in the neighbourhood as may be required for the temporary accommodation of the students and officers of the College, for the library, the dining-hall, the lecture-rooms, and other purposes. It will be necessary to make some considerable purchases of books for the foundation of the library. The Governor-General will effect whatever purchases can be made with economy and advantage in India. Lists of books will be transmitted to England by an early opportunity, with a view to such purchases as it may be necessary to make in Europe; and the Governor-General entertains no doubt that the Court of Directors will contribute liberally towards such purchases. That part of the library of the late Tippoo Sultaun, which was presented by the army to the Court of Directors, is lately arrived in Bengal. The Governor-General strongly recommends that the Oriental manuscripts composing this collection should be deposited in the library of the College at Fort William; and it is his intention to retain the manuscripts accordingly, until he shall receive the orders of the Court upon the subject. He will transmit lists of the collection by the first opportunity.

It is obvious that these manuscripts may be rendered highly useful to the purposes of the new Institution, and that much more public advantage can be derived from them in the library of the College at Fort William, than can possibly be expected from depositing them in London.

Such of the manuscripts as may appear to be merely valuable as curiosities may be transmitted to England by an early opportunity.

It is the intention of the Governor-General that the first term of the College should be opened in the course of the

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month of November; and the lectures on several of the languages, it is hoped, be commenced in the course of the ensuing winter.

With the aid of such temporary arrangements as may be immediately made, it is expected that many other branches of the Institution may be brought into immediate operation, particularly those which relate to the expenses, morals, and general studies of the young men. Fortunately for the objects of the Institution, the Governor-General has found, at Calcutta, two Clergymen of the Church of England, eminently qualified to discharge the duties of Provost and Vice-Provost. To the former office he has appointed Mr. Brown, the Company's first Chaplain; and to the latter Mr. Buchanan. Mr. Brown's character must be well known in England, and particularly so to some Members of the Court of Directors; it is in every respect, such as to satisfy the Governor-General that his views in this nomination will not be disappointed. He has also formed the highest expectations from the abilities, learning, temper, and morals of Mr. Buchanan, whose character is well known in England, particularly to Dr. Porteus, Bishop of London, and to Dr. Milner, Master of Queen's College, in the University of Cambridge.

With respect to the Professorships, those which relate to the languages will be best filled in India; and the Governor-General entertains little doubt, that he shall soon be able to fill them permanently, in an efficient manner. In the meanwhile the most laudable zeal has been manifested by such persons in the civil and military service, as are competent to assist the Governor-General in making a temporary provision for the discharge of the duties of these Professorships. The persons properly qualified to fill certain of the other Professorships must be sought in Europe. The Institution will be so framed as to offer strong inducements to such persons; and the Governor-General will endeavour, at the earliest possible period, to secure the assistance of talents, learning, and morals

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from Europe, adapted to the great purposes of this Institution. It may be useful to observe, in this place, that the Professors and native Moonshies or teachers will be prohibited from instructing any other persons than the students of the College. The object of this regulation is to prevent European parents, resident in India, from attempting to commence or to complete, by means of the new Institution, the regular education of their children in India. It is an obviously necessary principle of policy to encourage the present practice of sending children, born in India of European parents, at an early age, to Europe for education.

The Governor-General means to recommend that the Court of Directors should hereafter nominate all persons destined for the civil service, at any of of the Presidencies in India, to be students of the College at Fort William. To each studentship (as has already been observed) will be annexed a monthly salary of 300 rupees, together with apartments and a common table. It will be for the Honourable Court to decide whether the ultimate destination of the student to the Civil Establishment of Bengal, Fort St. George, or Bombay, shall be specified in the original appointment to the studentship at the College of Fort William : it would certainly be more advantageous to the public service, that no such appointment should be made in England, and that the ultimate destination of each student should be determined in India under the authority of the Government on the spot, according to the inclinations and acquirements of the students respectively. The improved state of the Civil Service at Fort St. George, and the indispensable necessity of introducing the same improvements into the service at Bombay, will speedily render the Civil Service at each of those Presidencies no less advantageous and respectable than that of Bengal.

The Governor-General highly applauds the wisdom of the late order of the Court regulating the rank of the cadets for the artillery according to the period of time when they may be respectively reported to be qualified for commissions under

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the institutions of the Academy at Woolwich. It would be a most beneficial regulation to declare that the rank of all students appointed to the College of Fort William, in the same season, should be regulated according to their respective progress in the prescribed studies of the College, and to the public testimonials of their respective merit, established according to the discipline and institutions of the College.

If the Court of Directors should approve the principles and objects of this Institution, and should accordingly order the Governor-General to endow it with a rent-charge upon the land revenue of Bengal and Mysore, it would be a gracious act to relieve the Civil Service in India from the tax which the Governor-General intends to impose on the public salaries for the support of the College. The tax will indeed be very light, but the Court of Directors may probably be of opinion that such an Institution as the present ought to be supported, rather by the munificence of the Sovereign of the country than by any diminution, however inconsiderable, of the established allowances of the public officers.

WELLESLEY.

Regulation for the College at Fort William,

Fort William, July 10th, 1800.

Regulation for the foundation of a College at Fort William in Bengal, and for the better instruction of the Junior Civil Servants of the Honourable the English East India Company in the important duties belonging to the several arduous stations to which the said Junior Civil Servants may be respectively destined in the administration of justice, and in the general government of the British Empire in India.—Passed by the Governor-General in Council, on the 10th July, 1800; corresponding with the 28th Assar, 1207, Bengal era; the 4th Sawun, 1207, Fussily; the 28th Assar, 1207, Willaity; the 4th Sawun, 1857, Sumbut; and the 17th Suffer, 1215, Higeree;—But by his Lordship's special order, bearing

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date on the 4th May, 1800, being the first anniversary of the glorious and decisive victory obtained by the British arms at Seringapatam, the capital of the Kingdom of Mysore.

Whereas it hath pleased the Divine Providence to favour the counsels and arms of Great Britain in India with a continued course of prosperity and glory; and whereas, by the victorious issue of several successive wars, and by the happy result of a just, wise, and moderate system of policy, extensive territories in Hindostan, and in the Deccan, have been subjected to the dominion of Great Britain, and under the government of the Honourable the English East India Company, in process of time a great and powerful empire has been founded, comprehending many populous and opulent provinces, and various nations, differing in religious persuasions, in language, manners, and habits, and respectively accustomed to be governed according to peculiar usages, doctrines, and laws; and whereas the sacred duty, true interest, honour, and policy of the British nation require, that effectual provision should be made at all times for the good government of the British empire in India, and for the prosperity and happiness of the people inhabiting the same; and many wise and salutary regulations have accordingly been enacted from time to time by the Governor-General in Council with the benevolent intent and purpose of administering to the said people their own laws, usages, and customs, in the mild and benignant spirit of the British constitution; and whereas it is indispensably necessary with a view to secure the due execution and administration of the said wise, salutary, and benevolent regulations in all time to come, as well as of such regulations and laws as may hereafter be enacted by the Governor-General in Council, that the civil servants of the Honourable the English East India Company exercising high and important functions in the government of India, should be properly qualified to discharge the arduous duties of their respective offices and stations; should be sufficiently instructed in the general principles of literature and science;

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and should possess a competent knowledge, as well of the laws, government, and constitution of Great Britain, as of the several native languages of Hindostan and the Deccan, and of the laws, usages, and customs of the provinces which the said civil servants respectively may be appointed to govern; and whereas the early interruption in Europe of the education and studies of the persons destined for the civil service of the Honourable the English East India Company precludes them from acquiring, previously to their arrival in India, a sufficient foundation in the general principles of literature and science, or a competent knowledge of the laws, government, and constitution of Great Britain; and many qualifications essential to the proper discharge of the arduous and important duties of the civil service in India, cannot be fully attained otherwise than by a regular course of education and study in India, conducted under the superintendence, direction, and control of the supreme authority of the government of these possessions; and whereas no public institution now exists in India, under which the junior servants appointed at an early period of life to the civil service of the Honourable the English East India Company, can attain the necessary means of qualifying themselves for the high and arduous trusts to which they are respectively destined; and no system of discipline or education has been established in India for the purpose of directing and regulating the studies of the said junior servants, or of guiding their conduct upon their first arrival in India or of forming, improving, or preserving their morals, or of encouraging them to maintain the honour of the British name in India by a regular and orderly course of industry, prudence, integrity, and religion; the most noble Richard Marquess Wellesley, Knight of the illustrious Order of Saint Patrick, &c., &c., Governor-General in Council, deeming the establishment of such an institution, and system of discipline, education, and study, to be requisite for the good government and stability of the British empire in India, and for the maintenance of the interests and honour of the

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Honourable the English East India Company, his Lordship in Council hath therefore enacted as follows.

II. A college is hereby founded at Fort William in Bengal for the better instruction of the junior civil servants of the Company, in such branches of literature, science, and knowledge, as may be deemed necessary to qualify them for the discharge of the duties of the different offices constituted for the administration of the government of the British possessions in the East Indies.

III. A suitable building shall be erected for the college, containing apartments for the superior officers, for the students, for a library, and for such other purposes as may be found necessary.

IV. The Governor-General shall be the patron and visitor of the college.

V. The members of the Supreme Council, and the Judges of the Sudder Dewanny Adawlut, and of the Nizamut Adawlut, shall be the governors of the college.

VI. The Governor-General in Council shall be trustee for the management of the funds of the college, and shall regularly submit his proceedings in that capacity to the Honourable the Court of Directors.

VII. The Comptrolling Committee of Treasury shall be treasurers of the college.

VIII. The Accountant-General, and the Civil Auditor, shall be respectively accountant, and auditor of accounts, of the college.

IX. The Advocate-General and the Honourable Company's standing Counsel, shall be the law officers of the college.

X. The immediate government of the college shall be vested in a Provost and Vice-Provost, and such other officers as the patron and visitor shall think proper to appoint, with such salaries as he shall deem expedient. The Provost, Vice-Provost, and all other officers of the college, shall be removeable at the discretion of the patron and visitor.

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XI. The Provost shall always be a clergyman of the church of England, as established by law.

XII. Every proceeding and act of the Patron and Visitor shall be submitted to the Honourable the Court of Directors, and shall be subjected to their pleasure.

XIII. The primary duties of the Provost shall be to receive the junior civil servants on their first arrival at Fort William; to superintend and regulate their general morals and conduct; to assist them with his advice and admonition; and to instruct and confirm them in the principles of the Christian religion, according to the doctrine, discipline, and rites of the church of England, as established by law.

XIV. The Patron and Visitor shall establish such professorships, with such endowments as shall be judged proper.

XV. Professorships shall be established as soon as may be practicable, and regular courses of lectures commenced, in the following branches of literature, science, and knowledge:

Languages.—Arabic, Persian, Shanscrit, Hindoostanee, Bengal, Telinga, Mahratta, Tamul, Canara; Mahomedan law, Hindoo law, ethics, civil jurisprudence, and the law of nations English law; the regulations and laws enacted by the Governor-General in Council, or by the Governors in Council at Fort St. George and Bombay respectively, for the civil government of the British territories in India; political economy, and particularly the commercial institutions and interests of the East India Company; geography and mathematics; modern languages of Europe; Greek, Latin, and English classics; general history, antient and modern; the history and antiquities of Hindoostan and the Deccan; natural history; botany, chemistry, and astronomy.

XVI. The Patron and Visitor may authorize the same professor to read lectures in more than one of the enumerated branches of study, and may at any time unite, or separate any of the said professorships, or may found additional professorships in such other branches of study as may appear necessary.

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XVII. The Provost and Vice-Provost, after having remained in the government of the college for the complete period of seven years, and any professor, after having read lectures in the college for the complete period of seven years, or of twenty-eight terms, and after having respectively received under the hand and seal of the Patron and Visitor, a testimonial of good conduct during that period of time, shall be entitled to an annual pension for life, to be paid either in Europe or in India, according to the option of the party. The pension shall in no case be less than one-third of the annual salary received by such Provost or Vice-Provost respectively during his continuance in the government of the college, or by any such Professor, during the period of his regular lectures. The pension may in any case be increased at discretion of the Patron and Visitor.

XVIII. All the civil servants of the Company who may be hereafter appointed on the establishment of the Presidency of Bengal shall be attached to the college for the first three years after their arrival in Bengal, and during that period of time, the prescribed studies] in the college shall constitute their sole public duty.

XIX. All the civil servants now on the establishment of the Presidency of Bengal, whose residence in Bengal shall not have exceeded the term of three years, shall be immediately attached to the college for the term of three years from the date of this regulation.

XX. Any of the junior civil servants of the Company in India, whether belonging to the establishment of this Presidency, or to that of Fort St. George, or of Bombay, may be admitted to the benefits of the institution by order of the Governor-General in Council, for such term, and under such regulations, as may be deemed advisable.

XXI. Any of the junior military servants of the Company in India, whether belonging to the establishment of this Presidency, or to that of Fort St. George, or of Bombay, may be admitted to the benefits of the institution, by order of the

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Governor-General in Council, for such term, and under such regulations, as may be deemed advisable.

XXII. In the college at Fort William, four terms shall be observed in each year; the duration of each term shall be two months. Four vacations shall also be established in each year; the duration of each vacation shall be one month.

XXIII. Two public examinations shall be holden annually, and prizes and honorary rewards shall be publicly distributed by the Provost, in the presence of the Patron and Governors, to such students as shall appear to merit them.

XXIV. Degrees shall be established, and shall be rendered requisite qualifications for certain offices in the civil governments of Bengal, Fort St. George and Bombay; and promotion in the civil service shall be the necessary result of merit publicly approved, according to the discipline and institutions of the college.

XXV. Statutes shall be framed by the Provost of the college, under the superintendence of the Governors of the college, respecting the internal regulation, discipline, and government of the college; but no statute shall be enforced until it shall have been sanctioned by the Patron and Visitor. The statutes so sanctioned shall be printed according to a form to be prescribed by the Patron and Visitor.

XXVI. The Patron and Visitor shall be empowered, at all times of his sole and exclusive authority, to amend or abrogate any existing statute, or to enact any new statute for the regulation, discipline, and government of the college.

XXVII. A regular statement of all salaries, appointments, or removals of the officers of the college, shall be submitted by the Patron and Visitor of the college at the expiration of each term, to the Governor-General in Council, and by the Governor-General in Council to the Honourable the Court of Directors; printed copies of all statutes enacted by the Patron and Visitor shall also be submitted to the Governor-General in Council, and to the Honourable the Court of Directors, at the same periods of time, and in the same manner.

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XII.

THE CHARTER ACT OF 1813.

A

The brilliant events of Wellesley's administration again involved the Company in financial difficulties, and careful enquiries were instituted into its affairs long before the expiration of the charter. One of the fruits of these enquiries is the Fifth Report, an invaluable source of information regarding the state of the country in revenue and judicial matters. In 1813 the House of Commons formed itself into a committee and resolved to hear evidence. Warren Hastings was the first witness heard on behalf of the Company. It was on this occasion that the House rose as by one impulse to do honour to the great proconsul whom it had impeached about a quarter of a century before. The final views of the House are embodied in the following resolutions—

Resolutions (communicated by the Honourable the House of Commons to the Right Honourable the House of Lords at a Conference) respecting the Affairs of the East India Company.

1. RESOLVED, That it is expedient that all the privileges, authorities, and immunities, granted to the United Company of Merchants trading to the East Indies by virtue of any act or acts of Parliament now in force, and all rules, regulations, and clauses affecting the same, shall continue and be in force for a further term of twenty years; except as far as the same may hereinafter be modified and repealed.

2. Resolved, That the existing restraints respecting the commercial intercourse with China shall be continued, and that the exclusive trade in tea shall be preserved to the said Company during the period aforesaid.

3. Resolved, That, subject to the provisions contained in the preceding Resolution, it shall be lawful for any of his Majesty's subjects to export any goods, wares, or merchandize, which can now, or may hereafter, be legally

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exported from any port in the United Kingdom to any port within the limits of the charter of the said Company, as hereinafter provided; and that all ships navigated according to law, proceeding from any port within the limits of the Company's charter, and being provided with regular manifests from the last port of clearance, shall respectively be permitted to import any goods, wares, or merchandize, the product and manufacture of any countries within the said limits, into any ports in the United Kingdom which may be provided with warehouses, together with wet docks or basins, or such other securities as shall, in the judgment of the Commissioners of the Treasury in Great Britain and Ireland respectively, be fit and proper for the deposit and safe custody of all such goods, wares, and merchandize, as well as for the collection of all duties payable thereon, and shall have been so declared by the orders of his Majesty in Council in Great Britain, or by the order of the Lord Lieutenant in Council in Ireland: Provided always, that copies of all such orders in Council shall be laid before both Houses of Parliament in the session next ensuing.

4. Resolved, That as long as the Government of India shall be administered under the authority of the said Company according to the provisions, limitations, and regulations hereafter to be enacted, the rents, revenues, and profits arising from the territorial acquisitions in India shall, after defraying the expenses of collecting the same, with the several charges and stipulated payments to which the revenues are subject, be applied and disposed of according to the following order of preference:

In the first place, in defraying all the charges and expenses of raising and maintaining the forces, as well European as native, artillery and marine, on the establishments in India, and of maintaining the forts and garrisons there, and providing warlike and naval stores: Secondly, in the payment of the interest accruing on the debts owing, or which may hereafter be incurred, by the said Company in India:

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Thirdly, in defraying the civil and commercial establishments at the several settlements there; Fourthly, that the whole or any part of any surplus that may remain of the above described rents, revenues, and profits, after providing for the several appropriations, and defraying the several charges before mentioned, shall be applied to the provision of the Company's investment in India, in remittances to China for the provision of investments there, or towards the liquidation of debts in India, or such other purposes at the Court of Directors, with the approbation of the Board of Commissioners, shall from time to time direct.

5. Resolved, That the receipts into the Company's treasury in England from the proceeds of the sales of their goods, and from the profits arising from private and privileged trade, or in any other manner, shall be applied and disposed of as follows:—First, in payment of bills of exchange already accepted by the Company, as the same shall become due: Secondly, for the current payment of debts (the principal of the bond debt in England always excepted) as well as interest and the commercial charges and expenses of the said Company: Thirdly, in payment of a dividend of ten pounds per cent. on the present or any future amount of the capital stock of the said Company; also in the payment of a further dividend of ten shillings per cent. upon such capital stock, after the separate fund upon which the same was originally charged by the 124th clause of the 33rd Geo. III. cap. 52, shall have been exhausted; the said payment respectively to be made half-yearly: Fourthly, in the reduction of the principal of the debt in India, or of the bond debt at home, as the Court of Directors, with the approbation of the Board of Commissioners, shall from time to time direct.

6. Resolved, That when the principal of the debt bearing interest in India shall have been reduced to the sum of ten millions of pounds sterling, calculated at the exchange of *2s* the Bengal current rupee, *3s.* the Madras pagoda, and *2s. 3d.* the Bombay rupee, and the bonded debt in England shall

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have been reduced to the sum of three millions of pounds sterling, then and thereafter the surplus proceeds which shall be found to arise from the revenues of India, and the profits upon the trade, after providing for the payments aforesaid, shall be applied to the more speedy repayment of the capital of any public funds or securities which have been or may be created for the use of the said Company, the charges of which have been or may be directed to be borne by the said Company in virtue of any act or acts of Parliament; and that any further surplus that may arise shall be set apart, and from time to time paid into the receipt of his Majesty's Exchequer, to be applied as Parliament shall direct, without any interest to be paid to the Company in respect or for the use thereof; but nevertheless to be considered and declared as an effectual security to the said Company for the capital stock of the said Company, and for the dividend of 10½ per cent. per annum in respect thereof, not exceeding the sum of twelve millions of pounds sterling; and that of the excess of such payments, if any, beyond the said amount of twelve millions, one-sixth part shall, from time to time, be reserved and retained by the said Company for their own use and benefit, and the remaining five-sixths shall be deemed and declared the property of the public, and at the disposal of Parliament.

7. Resolved, That the said Company shall direct and order their books of account, at their several Presidencies and settlements in India, at their factory in China, at the island of St. Helena or elsewhere, and also in England, to be so kept and arranged as that the same shall contain and exhibit the receipts, disbursements, debts, and assets, appertaining to, or connected with, the territorial, political, and commercial branches of their affairs; and that the same shall be made up in such manner that the said books shall contain and exhibit the accounts of the territorial and political departments separately and distinctly from such as appertain to, or are connected with, the commercial branch of their affairs; and that the arrangement of accounts so to

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be made shall be submitted to the approbation and sanction of the Board of Commissioners for the Affairs of India.

8. Resolved, That it is expedient to make provision for further limiting the granting of gratuities and pensions to officers, civil and military, or increasing the same, or creating any new establishments at home, in such manner as may effectually protect the funds of the said Company.

9. Resolved, That all vacancies happening in the office of Governor-General of Fort William in Bengal, or of Governor of either of the Company's Presidencies or settlements of Fort St. George or Bombay, or of Governor of the forts and garrisons of Fort William, Fort St. George, or Bombay, or of Commander-in-chief of all the forces in India, or of any provincial Commander-in-chief of the forces there, shall continue to be filled up and supplied by the Court of Directors of the said United Company, subject nevertheless to the approbation of his Majesty, to be signified in writing under his royal sign manual, countersigned by the President of the Board of Commissioners for the Affairs of India.

10. Resolved, That the number of his Majesty's troops in India to be in future maintained by the said Company be limited; and that any augmentation of force exceeding the number so to be limited shall, unless employed at the express requisition of the said Company, be at the public charge.

11. Resolved, That it is expedient that the Church Establishment in the British territories in the East Indies should be placed under the superintendence of a Bishop and three Archdeacons; and that adequate provision should be made, from the territorial revenues of India, for their maintenance.

12. Resolved, That it is expedient that the statutes and regulations framed, or to be framed, by the Court of Directors for the good government of the College established by the East India Company in the county of Hertford, and of the Military Seminary of the said Company in the county of Surrey, as well as the establishment of offices connected

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therewith, or the appointment of persons to fill such offices, be subject to the controul and regulation of the Commissioners for the Affairs of India; and that the power and authority of the Board of Commissioners for the Affairs of India shall be construed to extend to the issuing or sending orders or instructions to the Court of Directors, for the purpose of their being transmitted to India, respecting the rules and regulations and establishments of the respective colleges at Calcutta and Fort St. George or any other seminaries which may be hereafter established under the authority of the local Governments.

13. Resolved, That it is the duty of this country to promote the interest and happiness of the native inhabitants of the British dominions in India; and that such measures ought to be adopted as may tend to the introduction amongst them of useful knowledge, and of religious and moral improvement. That, in the furtherance of the above objects, sufficient facilities shall be afforded by law to persons desirous of going to and remaining in India for the purpose of accomplishing these benevolent designs: provided always, that the authority of the local Governments, respecting the intercourse of Europeans with the interior of the country, be preserved; and that the principles of the British Government, on which the natives of India have hitherto relied for the free exercise of their religion be inviolably maintained.

B

In reference to the 13th Resolution we may note that "it was not until the year 1813 that there was anything like a decided manifestation of the will of the Government in connexion with the great subject of Education. The Charter Act, passed in that year, contained a clause, enacting that "a sum of not less than a lakh of rupees in each year shall be set apart and applied to the revival and improvement of literature, and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the

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British territories in India." What this might precisely mean was not very clear; but it seemed to point rather to the encouragement of Oriental than of European learning, and those were days in which the former was held to be of prodigious account. Nothing, however, for some years, of a practical character emanated from this decree of the Legislature. The money thus appropriated, was left to accumulate, and not until ten years after the Act had passed did the local Government take any steps to carry out its intentions. Then a committee of Public Instruction was established in Calcutta, and the arrears of the Parliamentary grant were placed at their disposal." *

Kaye's Administration of the East India Company.

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* *Vide* in this connection the following minute of Lord William Bentinck dated March 7, 1835:—

"His Lordship in Council is of opinion thatfthe great object of the British Government ought to be the promotion of European literature and science among the nations of India, and that all the funds appropriated for th purposes of education would be best employed on English education alone.

"It is not the intention of his Lordship to abolish any college or school of native learning, while the population shall appear to be inclined to avail themselves of the advantages it affords.

"His Lordship in Council decidedly objects to the practice which has hitherto prevailed, of supporting the students during the period of their education. He conceives that the only effect of such a system can be to give artificial encouragement to branches of learning, which, in the natural course of things, would be superseded by more useful studies; and he directs that no stipend shall be given to any student, who may hereafter enter at any of these institutions; and that when any professor of Oriental learning shall vacate his situation, the Committee shall report to the Government the number and state of the class; in order that the Government may be able to decide upon the expediency of appointing a successor.

"It has come to the knowledge of his Lordship in Council, that a large sum has been expended by the committee in the printing of Oriental works. His Lordship in Council directs that no portion of the funds shall hereafter be so employed.

"His Lordship in Council directs that all the funds, which these reforms will leave at the disposal of the Committee, be henceforth employed in imparting to the native population a knowledge of English literature and science through the medium of the English language.

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Thus closed a contest in which the first serious blow was inflicted on the monopoly of the East India Company, after it had been enjoyed by them for two centuries. During this period a mighty empire had been raised upon the narrow foundations of exclusive commerce. Upon no other basis could the edifice have been reared. An indiscriminate resort of individual, unconnected, and often hostile competitors could not have been attended with a consistent and enduring course of operations ; and must have subjected the trade with India to a feeble and precarious existence, dependent upon the caprice and venality of the subordinate officers of the native governments and momentarily menaced with extinction by the follies and passions, the avarice and ignorance of Asiatic despots. Adventurers isolated and, at variance with each other could have been in no situation to resist injustice, repel aggression, or avenge wrong : much less would they have been able to place their commerce in an attitude not merely of defence but of defiance, and to apply the resources which it furnished to the acquirement of political power. In the struggle for sufferance which they would have had to maintain in their limited ambition of effecting a successful trading speculation, it could never have dwelt within their imagination to gain a firm and lasting footing on the soil of India, to put down and set up princes, to seize upon and hold amidst difficulty and danger masterdom and sway. The oneness of the Company for so long a period consolidated their commercial system, enabled them to baffle and defeat rivalry and opposition, to exact retribution for injury, and, as the field expanded, to extend their views beyond the circumscribed horizon of purely commercial profit. At the same time, this result, although inseparable from the system, was neither projected nor foreseen by its authors, and was brought to maturity in spite of their repeated disapproval, or at best with their reluctant and unwilling confirmation. The East

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India Company's territorial dominion was not the acquisition of the Company so much as of the Company's servants, who, often in disregard of the wishes of their masters, and sometimes in disobedience of their positive commands, entered with no common audacity, determination, and foresight, in the promising path which the distracted state of Indian politics laid open to their ambition; and, with energies and talents of more than ordinary natures, applied the superior resources of civilisation to secure rich fragments of the scattered reliques of native misrule, and remodelled them into the rudiments of power, of infallible future expansion. This was not the work of the Company, although it never could have heen brought to pass by any other instrumentality than that of the Company's Indian servants. It was the work of Clive, of Hastings, of Cornwallis, and of Wellesley, aided and impelled by the irresistible force of circumstances, by the inconsiderateness and temerity of the native princes of India, and by the superior energy of the European character.

Wilson

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XIII.

THE CHARTER ACT OF 1833.

So rapid had been the march of events under that strange imperial system established in the East by the enterprise and valour of three generations of our countrymen, that each of the periodical revisions of that system was, in effect, a revolution. The legislation of 1813 destroyed the monopoly of the Indian trade. In 1833 the time had arrived when it was impossible any longer to maintain the monopoly of the China trade; and the extinction of this remaining commercial privilege could not fail to bring upon the Company commercial ruin. Skill, and energy, and caution, however happily combined, would not enable rulers who were governing a population larger than that governed by Augustus, and making every decade conquests more extensive than the conquests of Trajan, to compete with private merchants in an open market. England, mindful of the inestimable debt which she owed to the great Company, did not intend to requite her benefactors by imposing on them a hopeless task. Justice and expediency could be reconciled by one course, and one only:—that of buying up the assets and liabilities of the Company on terms the favourable character of which should represent the sincerity of the national gratitude. Interest was to be paid from the Indian exchequer at the rate of ten guineas a year on every hundred pounds of stock; the Company was relieved of its commercial attributes, and became a corporation charged with the function of ruling Hindoostan; and its directors, as has been well observed, remained princes, but merchant princes no longer.

The machinery required for carrying into effect this gigantic metamorphosis was embodied in a bill every one of whose provisions breathed the broad, the fearless, and the tolerant spirit with which Reform had inspired our counsels. The earlier Sections placed the whole property of the Company in trust for the Crown, and enacted that "from and after the 22nd day of April 1834 the exclusive right of trading with the dominions of the Emperor of China, and of trading in tea, shall cease." Then came Clauses which threw open the whole continent of India as a place of residence for all subjects of his Majesty; which pronounced the doom of Slavery; and which ordained that no native of the British territories in the East should "by reason only of his religion, place of birth, descent, or colour, be disabled from holding any place, office, or employment."

Trevelyan's Life of Macaulay.

A.

When the time came round again for renewing the Company's charter, Lord William Bentinck's peaceful regime had lasted for five years in India; the Reform Act had just been carried in England, and Whig principles were in the ascendant. Bentham's views on legislation and codification were

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exercising much influence on the minds of law reformers. Macaulay was in Parliament, and was secretary to the Board of Control, and James Mill, Bentham's disciple, was the examiner of India correspondence at the India House. The Charter of Act 1833, like that of 1813, was preceded by careful inquiries into the administration of India. It introduced important changes into the constitution of the East India Company and the system of Indian administration. *

The territorial possessions of the Company were allowed to remain under their government for another term of twenty years; but were to be held by the Company 'in trust for His Majesty, his heirs and successors, for the service of the Government of India.'

The Company's monopoly of the China trade, and of the tea trade, was finally taken away.

The Company were required to close their commercial business and to wind up their affairs with all convenient speed. Their territorial and other debts were charged on the revenues of India, and they were to receive out of those revenues an annual dividend at the rate of £ 10. 10s per cent. on the whole amount of their capital stock (i. e. £ 630,000 a year), but this dividend was to be subject to redemption by Parliament on payment of £ 200 sterling for every £ 100 stock and for the purpose of this redemption a sum of two million pounds was to be paid by the Company to the National Debt Commissioners and accumulated with compound interest until it reached the sum of twelve millions.

Ilbert.

* Grant had explained in the House of Commons that a fourth Presidency was rendered advisable by the great extent of the jurisdiction of the Government of Bengal and that it was desirable to relieve the Governor-General of the functions of a single and separate government, and to invest him with a more decided control over the subordinate Presidencies that he actually possessed, especially in regard to matters of expenditure. The state of the law also required amelioration. "The laws were so various and so vague, that in many cases it was impossible to know what the law was. The nature of the authority from which the laws originated, was ill-defined and questionable; and the powers of the

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different Courts of Judicature were, in many respects, indefinite and contradictory, leading to embarrassing and mischievous collision."

Grant proposed "to strengthen the Supreme Council by the addition of two more members than it was actually composed of, and of one or two other persons, barristers of high standing, retired judges, (who would apply their professional knowledge to effecting the requisite alterations in the local law), and also to authorise the Governor-General to appoint a Commission, to consist of persons experienced in the administration of Indian Justice, with the assistance of one or two persons from England to inquire how far it might be practicable to establish a uniform system of law and Judicature in India."

All these points were emphasised by Lord Lansdowne when he placed the Resolutions of the House of Commons before the House of Lords.

The Act led to the appointment of Macaulay as the fourth ordinary member of the Governor-General's Council and to the first Indian Law Commission to whose labours we owe directly the preparation of the Indian Penal Code and of which Commission Macaulay was the most prominent member. The fourth Presidency however was not established.

Vide *Macaulay's letter to his Sister*:—

"By the new India Bill it is provided that one of the members of the Supreme Council, which is to govern our Eastern Empire, is to be chosen from among persons who are not servants of the Company. It is probable, indeed nearly certain, that the situation will be offered to me.

The advantages are very great. It is a post of the highest dignity and consideration. The salary is ten thousand pounds a year. I am assured by persons who know Calcutta intimately, and who have themselves mixed in the highest circles and held the highest offices at that Presidency, that I may live in splendour there for five thousand a year, and may save the rest of the salary with the accruing interest. I may therefore hope to return to England at only thirty-nine, in the full vigour of life, with a fortune of thirty thousand pounds. A larger fortune I never desired.

I am not fond of money, or anxious about it. But, though every day makes me less and less eager for wealth, every day shows me more and more strongly how necessary a competence is to a man who desires to be either great or useful."

"A clause in the Act of 1833 gave rise to the appointment of a Commission to inquire into the Jurisprudence and Jurisdiction of our Eastern Empire. Macaulay, at his own instigation, was appointed President of that Commission. He had not been many months engaged in his new duties before he submitted a proposal, by the adoption of which his own industry and the high talents of his colleagues, Mr. Cameron and Sir John Macleod, might be turned to the best account by being employed in framing a Criminal Code for the whole Indian Empire. "This Code," writes Macaulay, "should not be a mere digest of existing usages and regulations, but should comprise all the reforms which the Commission may think desirable. It should be framed on two great principles,—the principle of suppressing crime with the smallest possible amount of suffering, and the principle of ascertaining truth at the smallest possible cost of time and money. The Commissioners should be particularly charged to study conciseness, as far as it is consistent with perspicuity. In general, I believe, it will be found that perspicuous and concise expressions are not only compatible, but identical."

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B.

Extracts from the dispatch accompanying the Government of India Act, 1833 (3 & 4 Will. IV, s. 5).

No. 44, dated the 10th December, 1834. †

From the Board of Directors, East India Company, to the Government of India.

I.

Legislation for Europeans in India.

The Act unsealed for the first time the doors of British India to British subjects of European birth. Hitherto the English in India have been there only on sufferance. Now they have aquired a right, however qualified, to live in the country and even to become occupants of land, and there is every prospect of considerable increase of their numbers. It is therefore necessary that the local Government should have full means of dealing with them, not merely in extreme cases, and by a transcendental act of authority, but in the current and ordinary exercise of its functions, and through the medium of laws carefully made and promptly and impartially administered. On no other conditions could the experiment of a free ingress of Europeans be safely tried.

In whatever way the Europeans may disperse themselves throughout India, they will be united together by a powerful sympathy, and will in fact maintain a constant communication. It is therefore both just and natural that they should live under the control of the same laws, nor would it be easy to legislate in reference to a part of them without keeping in view the whole body. It is especially to be recollected that the task of legislating in India for Europeans naturalized in the country and not dependent on the Government is altogether new and experimental. The difficulties of this task

† There is a venerable tradition in the India office that this explanatory Despatch was drafted by James Mill.

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may have been overrated; but undoubtedly they are not slight or evanescent; and they would be much aggravated if the different Governments were all armed with co-equal and independent legislative powers, and if they were to proceed to exercise such powers at their discretion respectively, and perhaps with very different views and according to inconsistent principles. While therefore it is important, in reference to the admission of Europeans into the interior, that the Subordinate Governments, commanding as they do different regions of the Empire, should retain their executive capacities, and even that a new station of executive control and management should be added to them in the north of India, yet there seem good reasons for collecting and uniting all the functions of legislation in one central and metropolitan Government.

II.

Slavery—Predial and Domestic.

Among the objects to which your legislative deliberations are earliest to be directed is that of the mitigation of the state of slavery with a view to its extinction at the first safe moment. The 88th clause of the Act contains the provisions on this head.

This subject in India is one of great delicacy and requiring to be treated with the utmost discretion. There are certain kinds of restraint required, according to native ideas, for the government of families, and forming, according both to law and custom, part of the rights of the heads of families, Mussulman and Hindu, which are not to be included under the title of slavery. In legislating, therefore, on slavery, though it may not be easy to define the term precisely, it is necessary that the state to which your measures are meant to apply should be described with due care. We think also that your remedial measures should generally begin with the cases of the greatest hardship.

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Of the two kinds of slavery, predial and domestic, there is not a great deal of the former. It exists mostly on the Malabar coast and the new territories on our north-east frontier, and there, it would appear, the cases of greatest hardship are found, though the vague information we possess on the subject leaves the state of the evil in no small uncertainty. Domestic slavery in India is generally mild. The origin of a great part of it is in seasons of scarcity, when a parent, who is unable to maintain his child, sells him to some person of ample means. He is then reared as a part of the family into which he is received, and feels himself on a level, but little below, and sometimes even above, that of an ordinary servant. To dissolve such a connexion by forcible means would in general be to inflict an injury on the emancipated individual. The means of escape, where the colour, features, and shape of the slave are not distinguished from those of the other classes, and in a country of vast extent, facilitating distant removal, are so easy that the treatment of a slave cannot be worse than that of an ordinary servant, without giving him an adequate motive to abscond, and the market-value is so small that it is seldom worth while to be at the trouble of sending after him.

We think that the law should be made as severe against injuries done to a slave as if they were done to any other person, and his access to the judge for the purpose of preferring a complaint should be facilitated to the utmost.

With respect to cases for emancipation, it appears to us evident that the desire for it on the part of the slave himself should always be previously ascertained. The declaration of the desire should be made to the judge, and access to him for that purpose ought to be equally facilitated. The next question will be—what means should be adopted for his emancipation? Compensation will be due to the owner; but that will seldom be a heavy charge. The business, however, in all its parts should be regulated by precise rules, into the details of which we shall not enter. And every case of

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emancipation should be a judicial proceeding, investigated and decided by a judge.

III.

Relation of the Government of India to provincial administrations.

The words of the 39th clause are very comprehensive: 'The Superintendence, direction, and control of the whole civil and military government of all the said territories and revenues in India shall be vested in the said Governor-General in Council.

The powers here conveyed, when the words are interpreted in all their latitude, include the whole powers of government. And it is of infinite importance that you should well consider and understand the extent of the reponsibility thus imposed upon you. The whole civil and military government of India is in your hands, and for what is good or civil in the administration of it, the honour or dishonour will redound upon you.

With respect to the exercise of your legislative powers in the several presidencies, what we have adduced of a general nature on that subject will, for the present, suffice.

With respect to the other powers which you are called upon to exercise, it will be incumbent upon you to draw, with much discrimination and reflection, the correct line between the functions which properly belong to a local and subordinate Government and those which belong to the general Government ruling over and superintending the whole.

When this line is improperly drawn, the consequence is either that the general Government interferes with the province of the local Government, and enters into details which it cannot manage, and which preclude its consideration of more important objects ; or that it withdraws its attention from the evidence of many things which may be right or wrong in the general course of the local administration and

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thus partially deprives the State of the benefit of its superintendence and control.

It is true that the former Acts of Parliament which made the local Government of Bengal a Supreme Government gave the Governor-General in Council a control and superintendence over the other presidencies as complete and paramount as it was possible for language to convey, and this we must assume to have been the intention of the legislature. In practice, however, the Supreme Government made little exercise of its superintending authority, and the result has been that even that little exercise of it has been generally made when it was too late to be made with real effect, namely, after the subordinate Government had taken its course ; and retaining only that of *ex post Facto* intervention—a sort of intervention always invidious and in most cases nothing but invidious, because what was already done, however open to censure, was beyond the reach of recall or correction.

It is evidently the object of the present Act to carry into effect that intention of the legislature to which we have alluded. Invested as you are with all the powers of government over all parts of India, and responsible for good government in them all, you are to consider to what extent, and in what particulars, the powers of government can be best exercised by the local authorities, and to what extent, and in what particulars, they are likely to be exercised when retained in your own hands. With respect to that portion of the business of government which you fully confide to the local authorities, and with which a minute interference on your part would not be beneficial, it will be your duty to have always before you evidence sufficient to enable you to judge if the course of things in general is good, and to pay such vigilant attention to that evidence as will ensure your prompt interposition whenever anything occurs which demands it.

In general it is to be recollected that in all cases where there are gradations of authority the right working of the

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system must very much depend on the wisdom and moderation of the supreme authority and also of the subordinate authorities. This is especially true of a system so peculiar as that of our Indian Empire. It was impossible for the legislature, and it is equally so for us in our instructions, to define the exact limits between a just control and a petty, vexatious, meddling interference. We rely on the practical good sense of our Governor-General in Council, and of our other governors, for carrying the law into effect in a manner consonant with its spirit: and we see no reason to doubt the possibility of preserving to every subordinate Government its due rank and power, without impairing or neutralizing that of the highest.

The subordinate Governments will correspond directly with us formerly; but we think that you should immediately receive copies of all their more important letters to us, both as part of the evidence of their proceedings which you should have before you, and that we may have to make and which we desire that you will always dispatch to us with the smallest possible delay.

It will be for you to determine what part of their records, or what other documents, it will be necessary for you regularly to receive as evidence of the general proceedings of the subordinate Governments, and as an index to the other documents which you will have occasion to call for when anything occurs which you desire to investigate.

IV.

Admission of Natives of India to Public Offices under the Government.

We have touched upon the more comprehensive of your legislative and superintending duties.

It is now necessary to advert to certain other subjects

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which, though not strictly of a legislative or Superintending character, are yet of the greatest moment.

By clause 87 of the act it is provided that no person, by reason of his birth, creed, or colour shall be disqualified from holding any office in our service.

It is fitting that this important enactment, should be understood in order that its full spirit and intention may be transfused through our whole system of administration.

You will observe that its object is not to ascertain qualification, but to remove disqualification. It does not break down or derange the scheme of our government as conducted principally through the instrumentality of our regular servants, civil and military. To do this would be to abolish or impair the rules which the legislature has established for securing the fitness of the functionaries in whose hands the main duties of Indian administration are to be reposed—rules to which the present Act makes a material addition in the provisions relating to the College at Hailebury. But the meaning of the enactment we take to be that there shall be no governing caste in British India; that whatever other tests of qualification may be adopted, distinctions of race or religion shall not be of the number; that no subject of the king, whether of Indian or British or mixed descent, shall be excluded either from the posts usually conferred on our uncovenanted servants in India, or from the covenanted service itself, provided he be otherwise eligible consistently with the rules and aggreeably to the conditions observed and exacted in the one case and in the other.

In the application of this principle, that which will chiefly fall to your share will be the employment of natives, whether of the whole or the mixed blood, in official situations. So far as respects the former class—we mean natives of the whole blood—it is hardly necessary to say that the purposes of the legislature have in a considerable degree been anticipated; you well know, and indeed have in some important respects

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carried into effect, our desire that natives should be admitted to places of trust as freely and extensively as a regard for the due discharge of the functions attached to such places will permit. Even judicial duties of magnitude and importance are now confided to their hands, partly no doubt from considerations of economy, but partly also on the principles of a liberal and comprehensive policy; still a line of demarcation, to some extent in favour of the natives, to some extent in exclusion of them has been maintained; certain offices are appropriated to them, from certain others they are debarred not because these latter belong to the covenanted service, and the former do not belong to it, but professedly on the ground that the average amount of native qualifications can be presumed only to rise to a certain limit. It is this line of demarcation which the present enactment obliterates, or rather for which it substitutes another, wholly irrespective of the distinction of races. Fitness is henceforth to be the criterion of eligibility.

To this altered rule it will be necessary that you should, both in your acts and your language, conform; practically, perhaps, no very marked difference of results will be occasioned. The distinction between situations allotted to the covenanted service and all other situations of an official or public nature will remain generally as at present.

Into a more particular consideration of the effects that may result from the great principle which the legislature has now for the first time recognized and established we do not enter, because we would avoid disquisition of a speculative nature. But there is one practical lesson which, often as we have on former occasions inculcated it on you, the present subject suggests to us once more to enforce. While, on the one hand, it may be anticipated that the range of public situations accessible to the natives and mixed races will gradually be enlarged, it is, on the other hand, to be recollected that, as settlers from Europe find their way into the country, this

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class of persons, will probably furnish candidates for those very situations to which the natives and mixed race will have admittance. Men of European enterprise and education will appear in the field ; and it is by the prospect of this event that we are led particularly to impress the lesson already alluded to on your attention. In every view it is important that the indigenous people of India, or those among them who by their habits, character, or position may be induced to aspire to office, should, as far asp ossible, be qualified to meet their European competitors.

Thence, then, arises a powerful argument for the promotion of every design tending to the improvement of the natives, whether by conferring on them the advantages of education, or by diffusing among them the treasures of science, knowledge and moral culture. For these desirable results, we are all aware that you, like ourselves, are anxious, and we doubt not that, inorder to impel you to increased exertion for the promotion of them you will need no stimulant beyond a simple reference to the considerations we have here suggested.

While, however we entertain these wishes and opinion, we must guard against the supposition that it is chiefly by holding out means and opportunities of official distinction that we expect our Government to benefit the millions subjected to their authority. We have repeatedly expressed to you a very different sentiment. Facilities of official advancement can little affect the bulk of the people under any Government, and perhaps least under a good. It is not by holding out incentives to official ambition, but by repressing crime, by securing and guarding property, by creating confidence, by ensuring to industry the fruit of its labour, by protecting men in the undisturbed enjoyment of their rights, and in the unfettered exercise of their faculties, that Governments best minister to the public wealth and happiness. In effect, the free access to office is chiefly valuable when it is a part of general freedom.

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C.

Extracts from Macaulay's speech delivered in the House of Commons on the 10th of July 1833.

On Wednesday, the tenth of July 1833, Mr. Charles Grant, President of the Board of Control, moved that the Bill for effecting an arrangement with the India Company, and for the better government of His Majesty's Indian territories, should be read a second time. The motion was carried without a division, but not without a long debate, in the course of which the following Speech was made.

It is a mistake to suppose that the Company was a merely commercial body till the middle of the last century. Commerce was its chief object; but in order to enable it to pursue that object, it had been, like the other Companies which were its rivals, like the Dutch India Company, like the French India Company, invested from a very early period with political functions. More than a hundred and twenty years ago, the Company was in miniature precisely what it now is. It was intrusted with the very highest prerogatives of sovereignty. It had its forts, and its white captains, and its black sepoys; it had its civil and criminal tribunals; it was authorised to proclaim martial law; it sent ambassadors to the native governments, and concluded treaties with them; it was Zemindar of several districts, and within those districts, like other Zemindars of the first class, it exercised the powers of a sovereign, even to the infliction of capital punishment on the Hindoos within its jurisdiction. It is incorrect, therefore, to say, that the Company was at first a mere trader, and has since become a sovereign. It was at first a great trader and a petty prince. The political functions at first attracted little notice, because they were merely auxiliary to the commercial functions. By degrees, however, the political functions became more and more important. The Zemindar became a great nabob, became sovereign of all India; the two hundred sepoys became two hundred thousand. This change was gradually wrought, and was not immediately comprehended. It is impossible to name any one day, or any one year, as the day or the year when the Company became a great potentate. It has been the fashion indeed to fix on the year 1765, the year in which the Mogul issued a commission authorising the Company to administer the revenues of Bengal, Bahar, and Orissa, as the precise date of the

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accession of this singular body to sovereignty. I am utterly at a loss to understand why this epoch should be selected. Long before 1765 the Company had the reality of political power. Long before that year, they made a Nabob of Arcot; they made and unmade Nabobs of Bengal; they humbled the Vizier of Oude; they braved the Emperor of Hindostan himself; more than half the revenues of Bengal were, under one pretence or another, administered by them. And after the grant, the Company was not, in form and name an independent power. It was merely a minister of the Court of Delhi. Its coinage bore the name of Shah Alam. The inscription which, down to the time of the Marquess of Hastings, appeared on the seal of the Governor-General, declared that great functionary to be the slave of the Mogul. Even to this day we have never formally deposed the King of Delhi. The Company contents itself with being Mayor of the Palace, while the *Roi Faincant* is suffered to play at being a sovereign. In fact, it was considered, both by Lord Clive and by Warren Hastings, as a point of policy to leave the character of the Company thus undefined, in order that the English might treat the princes in whose names they governed as realities or nonentities, just as might be most convenient.

Thus the transformation of the Company from a trading body, which possessed some sovereign prerogatives for the purposes of trade, into a sovereign body, the trade of which was auxiliary to its sovereignty, was effected by degrees and under disguise.

It is true that the power of the Company is an anomaly in politics. It is strange, very strange, that a joint-stock society of traders, a society, the shares of which are daily passed from hand to hand, a society, the component parts of which are perpetually changing, a society, which, judging *a priori* from its constitution, we should have said was as little fitted for imperial functions as the Merchant Tailors' Company or the New River Company, should be intrusted with the sovereignty of a larger population, the disposal of a larger clear revenue, the command of a larger army, than are under the direct management of the Executive Government of the United Kingdom. But what constitution can we give to our Indian Empire which shall not be strange, which shall not be anomalous? That Empire is itself the strangest of all political

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anomalies. That a handful of adventurers from an island in the Atlantic should have subjugated a vast country divided from the place of their birth by half the globe ; a country which at no very distant period was merely the subject of fable to the nations of Europe ; a country never before violated by the most renowned of Western conquerors ; a country which Trajan never entered ; a country lying beyond the point where the phalanx of Alexander refused to proceed; that we should govern a territory ten thousand miles from us, a territory larger and more populous than France, Spain, Italy, and Germany put together, a territory, the present clear revenue of which exceeds the present clear revenue of any state in the world. France excepted ; a territory inhabited by men differing from us in race, colour, language, manners, morals, religion ; these are prodigies to which the world has seen nothing similar. Reason is confounded. We interrogate the past in vain. General rules are useless where the whole is one vast exception. The Company is an anomaly; but it is part of a system where everything is anomaly. It is the strangest of all governments ; but it is designed for the strangest of all empires.

In what state did we find India ? And what have we made India ? We found society throughout that vast country in a state to which history scarcely furnishes a parallel. The nearest parallel would, perhaps, be the state of Europe during the fifth century. The Mogul empire in the time of the successors of Aurungzebe like the Roman empire in the time of the successors of Theodosius, was sinking under the vices of a bad internal administration, and under the assaults of barbarous invaders. At Delhi, as at Revenna, there was a mock sovereign, immured in a gorgeous state prison. He was suffered to indulge in every sensual pleasure. He was adored with servile prostrations. He assumed and bestowed the most magnificent titles. But, in fact, he was a mere puppet in the hands of some ambitious subject. While the Honorii and Augustuli of the East, surrounded by their fawning eunuchs, revelled and dozed without knowing or caring what might pass beyond the walls of their palace gardens, the provinces had ceased to respect a government which could neither punish nor protect them. Society was a chaos. Its restless and shifting elements formed themselves every moment into some

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new combination, which the next moment dissolved. In the course of a single generation a hundred dynasties grew up, flourished, decayed, were extinguished, were forgotten. Every adventurer who could muster a troop of horse might aspire to a throne. Every palace was every year the scene of conspiracies, treasons, revolutions, parricides. Meanwhile a rapid succession of Alarics and Attilas passed over the defenceless empire. A Persian invader penetrated to Delhi, and carried back in triumph the most precious treasures of the House of Tamerlane. The Afghan soon followed by the same track, to glean whatever the Persian had spared. The Jauts established themselves on the Jumna. The Seiks devastated Lahore. Every part of India, from Tanjore to the Himalayas, was laid under contribution by the Mahrattas. The people were ground down to the dust by the oppressor without and the oppressor within, by the robber from whom the Nabob was unable to protect them, by the Nabob who took whatever the robber had left to them. All the evils of despotism, and all the evils of anarchy, pressed at once on that miserable race. They knew nothing of government but its exactions. Desolation was in their imperial cities, and famine all along the banks of their broad and redundant rivers. It seemed that a few more years would suffice to efface all traces of the opulence and civilisation of an earlier age.

Such was the state of India when the Company began to take part in the disputes of its ephemeral sovereigns. About eighty years have elapsed since we appeared as auxiliaries in a contest between two rival families for the sovereignty of a small corner of the Peninsula. From that moment commenced a great, a stupendous process, the reconstruction of a decomposed society. Two generations have passed away ; and the process is complete. The scattered fragments of the empire of Aurungzebe have been united in an empire stronger and more closely knit together than that which Aurungzebe ruled. The power of the new sovereigns penetrates their dominions more completely, and is far more implicitly obeyed, than was that of the proudest princes of the Mogul dynasty.

In the history and in the present state of our Indian Empire I see ample reason for exultation and for a good hope.

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I see that we have established order where we found confusion. I see that the petty dynasties which were generated by the corruption of the great Mahometan Empire, and which, a century ago, kept all India in constant agitation, have been q uelled by one overwhelming power. I see that the predatory tribes which in the middle of the last century passed annually over the harvests of India with the destructive rapidity of a hurricane, have quailed before the valour of a braver and sterner race, have been vanquished, scattered, hunted to their stronghold, and either extirpated by the English sword, or compelled to exchange the pursuits of rapine for those of industry.

I contemplate with reverence and delight the honourable poverty which is the evidence of rectitude firmly maintained amidst strong temptations. I rejoice to see my countrymen, after ruling millions of subjects, after commanding victorious armies, after dictating terms of peace at the gates of hostile capitals, after administering the revenues of great provinces, after judging the causes of wealthy Zemindars, after residing at the courts of tributary Kings, return to their native land with no more than a decent competence.

I see a government anxiously bent on the public good. Even in its errors I recognise a paternal feeling towards the great people committed to its charge. I see toleration strictly maintained : yet I see bloody and degrading superstitions gradually losing their power. I see the morality, the philosophy, the taste of Europe beginning to produce a salutary effect on the hearts and understandings of our subjects. I see the public mind of India, that public mind which we found debased and contracted by the worst forms of political and religious tyranny, expanding itself to just and noble views of the ends of government and of the social duties of man.

I see evils : but I see the government actively employed in the work of remedying those evils. The taxation is heavy ; but the work of retrenchment is unsparingly pursued. The mischief arising from the system of subsidiary alliance are great : but the rulers of India are fully aware of those mischiefs, and are engaged in guarding against them. Wherever they now interfere for the purpose of supporting a native government, they interfere also for the purpose of reforming it.

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One word as to the new arrangement which we propose with respect to the patronage. It is intended to introduce the principle of competition in the disposal of writerships ; and from this change I cannot but anticipate the happiest results. The civil servants of the Company are undoubtedly a highly respectable body of men ; and in that body, as in every large body there are some persons of very eminent ability. I rejoice most cordially to see this. I rejoice to see that the standard of morality is so high in England, that intelligence is so generally diffused through England, that young persons who are taken from the mass of society, by favour and not by merit, and who are therefore only fair samples of the mass, should, when placed in situations of high importance, be so seldom found wanting. But it is not the less true that India is entitled to the service of the best talents which England can spare. That the average of intelligence and virtue is very high in this country is matter for honest exultation. But it is no reason for employing average men where you can obtain superior men. Consider too, Sir, how rapidly the public mind of India is advancing, how muchattention is already paid by the higher classes of the natives to those intellectual pursuits on the cultivation of which the superiority of the European race to the rest of mankind principally depends. Surely, in such circumstances, from motives of selfish policy, if from no higher motive, we ought to fill the magistracies of our Eastern Empire with men who may do honour to their country, with men who may represent the best part of the English nation. This Sir, is our object ; and we believe that by the plan which is now proposed this object will be attained. It is proposed that for every vacancy in this civil service four candidates shall be named, and the best candidate selected by examination. We conceive that, under this system, the persons sent out will be young men above par, young men superior either in talents or in diligence to the mass. It is said, I know, that examinations in Latin, in Greek, and in the mathematics, are no tests of what men will prove to be in life. I am perfectly aware that they are not infallible tests : but that they are tests I confidently maintain. Look at every walk of life, at this House, at the other House, at the Bar, at the Bench, at the Church, and see whether it be not true that those who attain high distinction in the world were generally men who were distinguished in their academic career.

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Indeed, Sir, this objection would prove far too much even for those who use it. It would prove that there is no use at all in education. Why should we put boys out of their way? Why should we force a lad, who would much rather fly a kite or trundle a hoop, to learn his Latin Grammar? Why should we keep a young man to his Thucydides or his Laplace, when he would much rather be shooting? Education would be mere useless torture, if, at two or three and twenty a man who had neglected his studies were exactly on a par with a man who had applied himself to them, exactly as likely to perform all the offices of public life with credit to himself and with advantage to society. Whether the English system of education be good or bad is not now the question. Perhaps I may think that too much time is given to the ancient languages and to the abstract sciences. But what then? Whatever be the languages, whatever be the sciences, which it is, in any age or country, the fashion to teach the persons who become the greatest proficients in those languages and those sciences will generally be the flower of the youth, the most acute, the most industrious, the most ambitious of honourable distinctions. If the Ptolemaic system were taught at Cambridge instead of the Newtonian, the senior wrangler would nevertheless be in general a superior man to the wooden spoon. If, instead of learning Greek, we learned the Cherokee, the man who understood the Cherokee best, who made the most correct and melodious Cherokee verses, who comprehended most accurately the effect of the Cherokee particles, would generally be a superior man to him who was destitute of these accomplishments. If astrology were taught at our Universities, the young man who cast nativities best would generally turn out a superior man. If alchymy were taught, the young man who showed most activity in the pursuit of the philosopher's stone would generally turn out a superior man.

I will only add one other observation on this subject. Although I am inclined to think that too exclusive an attention is paid in the education of young English gentlemen to the dead languages, I conceive that when you are choosing men to fill situations for which the very first and most indispensable qualification is familarity with foreign languages, it would be difficult to find a better test of their fitness than their classical acquirements.

Some persons have expressed doubts as to the possibility of

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procuring fair examinations. I am quite sure that no person who has been either at Cambridge or at Oxford can entertain such doubts. I feel, indeed, that I ought to apologise for even noticing an objection so frivolous.

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XIV.

The Mutiny Proclamation.

*Proclamation by the Queen in Council, to the Princes, Chiefs, and People of India**.*

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof in Europe, Asia, Africa, America, and Australasia, Queen, Defender of the Faith.

Whereas, for divers weighty reasons, we have resolved, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, to take upon ourselves the government of the territories in India, heretofore administered in trust for us by the Honourable East India Company.

Now, therefore, we do by these presents notify and declare that, by the advice and consent aforesaid, we have taken upon ourselves the said government; and we hereby call upon all our subjects within the said territories to be faithful, and to bear true allegiance to us, our heirs and successors, and to submit themselves to the authority of those whom we may hereafter, from time to time, see fit to appoint to administer the government of our said territories, in our name and on our behalf.

And we, reposing especial trust and confidence in the loyalty, ability, and judgment of our right trusty and well-beloved cousin Charles John, Viscount Canning, do hereby constitute and appoint him, the said Viscount Canning, to be our first Viceroy and Governor-General in and over our said

* Calcutta Gazette, Nov. 1, 1858.

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territories, and to administer the government thereof in our name, and generally to act in our name and on our behalf, subject to such orders and regulations as he shall, from time to time, receive through one of our Principal Secretaries of State.

And we do hereby confirm in their several offices, civil and military, all persons now employed in the service of the Honourable East India Company, subject to our future pleasure, and to such laws and regulations as may hereafter be enacted.

We hereby announce to the native princes of India, that all treaties and engagements made with them by or under the authority of the East India Company are by us accepted, and will be scrupulously maintained, and we look for the like observance on their part.

We desire no extension of our present territorial possessions; and, while we will permit no aggression upon our dominions or our rights to be attempted with impunity, we shall sanction no encroachment on those of others.

We shall respect the rights, dignity, and honour of native princes as our own; and we desire that they, as well as our own subjects, should enjoy that prosperity and that social advancement which can only be secured by internal peace and good government.

We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations by the blessing of Almighty God, we shall faithfully and conscientiously fill.

Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose our convictions on any of our subjects. We declare it to be our royal will and pleasure that none be in any wise favoured, none molested or disquieted, by reason of their religious faith or observances, but that all shall alike enjoy the equal and

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impartial protection of the law; and we do strictly charge and enjoin all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure.

And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be qualified by their education, ability, and integrity duly to discharge.

We know, and respect, the feelings of attachment with which natives of India regard the lands inherited by them from their ancestors, and we desire to protect them in all rights connected therewith, subject to the equitable demands of the State; and we will that generally, in framing and administering the law, due regard be paid to the ancient rights, usages, and customs of India.

We deeply lament the evils and misery which have been brought upon India by the acts of ambitious men, who have deceived their countrymen by false reports, and led them into open rebellion Our power has been shown by the suppression of that rebellion in the field; we desire to show our mercy by pardoning the offences of those who have been misled, but who desire to return to the path of duty.

Already, in one province, with a desire to stop the further effusion of blood, and to hasten the pacification of our Indian dominions, our Viceroy and Governor-General has held out the expectation of pardon, on certain terms, to the great majority of those who in the late unhappy disturbances, have been guilty of offences against our Government, and has declared the punishment which will be inflicted on those whose crimes place them beyond the reach of forgiveness. We approve and confirm the said act of our Viceroy and Governor-General, and do further announce and proclaim as follows :—

Our clemency will be extended to all offenders, save and except those who have been, or shall be, convicted of having

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directly taken part in the murder of British subjects. With regard to such the demands of justice forbid the exercise of mercy.

To those who have willingly given asylum to murderers, knowing them to be such, or who may have acted as leaders or instigators of revolt, their lives alone can be guaranteed but in apportioning the penalty due to such persons, full consideration will be given to the circumstances under which they have been induced to throw off their allegiance; and large indulgence will be shown to those whose crimes may appear to have originated in too credulous acceptance of the false reports circulated by designing men.

To all others in arms against the Government we hereby promise unconditional pardon, amnesty, and oblivion of all offences against ourselves, our crown and dignity, on their return to their homes and peaceful pursuits.

It is our royal pleasure that these terms of grace and amnesty should be extended to all those who comply with these conditions before the 1st day of January next.

When, by the blessing of Providence, internal tranquillity shall be restored, it is our earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer the government for the benefit of all our subjects resident therein. In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward. And may the God of all power grant to us, and to those in authority under us, strength to carry out these our wishes for the good of our people.

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APPENDIX A.

Minute of Mr. Shore, on the Permanent Settlement of the Lands in Bengal: and proposed Resolutions thereon.

Recorded on the 18th September 1789.

Extract, Bengal Revenue Consultations, 18th September 1789.

Mr. Shore delivers the following Minute, and draft of proposed resolutions.

1.—My time, since I had last the honor of attending the Board, had been occupied in perusing the replies of Collectors of the Fussilly districts, to the references made to them under dates the 11th August 1788, and 20th May 1789, on the subject of the intended permanent settlement; and with a view to assist the deliberations of the Board, and to enable them to form decisive resolutions upon this important subject, I have collected all the material information which has occurred, and shall now state it, with my own observations upon the whole.

2.—It may be proper to premise, that the Minute which I delivered for record, upon the 18th June last, on the revenues of this country, related to the districts of Bengal only, and had no reference to the divisions of this country, which pay their rents according to the Fussilly year. I have formerly remarked, that between Bengal and Behar there are many important distinctions, both in principle and practice; and in determining the system of management for regulating and collecting the revenues of these two provinces, these distinctions should not be disregarded: the most material of them, are as follows:—

1st.—In Bengal the zemindaries are very extensive, and that of Burdwan alone is equal in produce, to three-fourths of the rental of Behar, in which province, the zemindaries are comparatively small. The power and influence of the principal zemindars in Bengal is proportionably great; and they have been able to maintain a degree of independence, which the inferior zemindars of the Behar province have lost. The latter also, having been placed under the authority of a provincial administration, from distance as well as comparative

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inferiority, have been precluded from that information which the zemindars of Bengal, from their vicinity to Calcutta, and their access to the members and officers of Government, have been able to obtain: the latter have acquired ideas of right, and assume principles of conduct, or reasoning, which do not extend to the zemindars of Behar.

2ndly.—The proprietors of the soil in Behar universally claim and possess a right of malikana, which whenever they are dispossessed of the management of their lands, they receive from the aumil, as well as from the tenants of the jaghirs and proprietors of altumghas. In Bengal, no such custom has ever been formally established, although there is some affinity between this and the allowance of moshaira.

3rdly.—The lands of Behar have from time immemorial, been let to farm, and no general settlement, as far as we can trace, since the acquisition of the Dewanny, has been concluded between Government and the real proprietors of the soil. The Collector of Sarun asserts, that this has ever been the usage in the districts under his charge. The aumil or farmer has deemed himself entitled to avail himself of the agency of the zemindars and talookdars, or dispense with it, at his own discretion. This power was formally delegated to the farmers in 1771, by the provincial Council at Patna, with the sanction of the superior authority at Calcutta, and the rate of malikana was then settled, for the dispossessed proprietors of the land, at 10 per cent. as the ancient allowance agreeable to the constitution of the country Government.

4thly.—The numerous grants of lands in Behar, under various denominations, have had an influence upon the proprietary rights of the zemindars and talookdars, and upon their opinions of those rights. There are few instances of jaghirs in Bengal: I cannot recollect more than three or four.

5thly.—The custom of dividing the produce of the land in certain proportions between the cultivator and the Government, or the Collector who stands in its place, is general, but not universal, throughout Behar. In Bengal, the custom is very partial and limited.

6thly.—The settlement in Behar whether by the aumil or manager, on the part of Government, is annually formed upon an estimate of the produce. In Bengal, the mofussil farmers, with some exceptions, collect by different rules.

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In Behar, the functions of the mofussil canongoes, however they may have been perverted, have not been superseded : and their accounts, admitting the uncertainty of them, furnish detailed information of the rents, which is not procurable in Bengal from the same sources.

3. The preceding circumstances will sufficiently account for what is actually the case—the very degraded state of the proprietors of the soil in Behar, comparatively with those in Bengal. The former, unnoticed by Government, and left at the mercy of the aumil, have in fact considered themselves as proprietors only of tythe, of their real estates, and assured of this when dispossessed, they have been less anxious to retain a management, which exposed them to the chance of losing a part of what they received without it. The neglect of Government with respect to their situation, is very apparent from the mokurrery grants of entire pergunnahs upon individuals, without any stipulations in favour of the zemindars and talookdars holding property within them.

4. I know but three principal zemindars at present in Behar, the Rajahs of Tirhoot Shahabad, and Sunnote Tekarry. Their jurisdiction comprehends much more than their actual property, and extends over numerous land-holders possessing rights as fixed and indefeasible, as their own. With respect to this class of proprietors, the superior zemindars are to be considered in the light of aumils only; and I think it probable that the origin of their jurisdiction arose, either from their influence with the supreme provincial authority, or from the facility of such a plan for managing and collecting the revenue. In this point of view, it has its advantages: although it is attended with this obvious evil, that it is the interest of the principal zemindars to throw additional burthens upon the inferior proprietors of the soil, with a view to save his own lands, and augment their value.

5. There is an apparent analogy between the talookdars in Bengal situated within the jurisdiction of a principal zemindar, and that of the proprietors of the soil of Behar in a similar predicament; but in their reciprocal rights, I understand there exists a material difference. The Muskoory Talookdars of Bengal are dependent upon the zemindar, and have no right to be separated from him, except by special agreement, or in case of oppression, or where their talooks existed previous to the zemindary; neither do they possess the right of malikana. I wish I could account for this important variation from authoritative

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information or records; but wanting these, I can only conjecture the grounds of it, which may be the following: that the talookdars in Behar are the original proprietors of the soil, whereas in Bengal, most of the Muskoory Talookdars have obtained their tenures, by grant or purchase from the zemindars; if this were not the case, the talookdars in the principal zemindary jurisdictions in Bengal, would, I think, be more numerous than they are. From the Aumeeny papers, it appears that the talookdary jumma of Rajshahy amounts to Rupees 3,70,879; in Nuddea to Rupees 17,059 only, and from information in Dinagepore, to about Rupees 20,000, and in Burdwan to about Rupees 65,000. The Aumeeny investigation did not extend to the two last districts. In Rajshahy the zemindaries of Sultanabad, Amar and Beerterbund, though comprehended within the jurisdiction of the zemindar of the district, are independent of them; and I see no material difference between these places and the inferior zemindars in Behar.

6. With respect to the malikana in Behar, I have in vain endeavoured to trace its origin. If the provincial Council of Patna are correct in their information as to the antiquity of it, which is confirmed by Busteram, the darogah of the amanut dufter in Behar, I should suppose it to have arisen from the custom established in that province, of dividing the produce between the cultivator and Government, in order to afford the proprietor of the soil a proportion of the produce, which, under such an usage strictly enforced, he could never receive, without some authorized allowance in his favour; instances have lately occurred and are adverted to in the letters now before the Board for consideration, of zemindars who have obtained a separate grant for their malikana, and have subsisted upon that, without any interference in the management of their zemindary lands.

7. I shall now consider the remarks upon the resolutions for the Board, containing propositions for the settlement of Behar, and the objections of the Collectors to them.

> *Resolution* 1st.—That at the expiration of the present Fussilly year, a new settlement of Behar be concluded with the actual proprietors of the soil, whether zemindars, chowdries or independent talookdars; and whether at present paying their revenues to Government through other zemindars, or not.

8. The objections to this resolution are general and special. It is observed, that the system is calculated to raise upon one description of

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men, viz., the zemindars, the misery of another infinitely more numerous, useful and defenceless; that the zemindars being declared in act and name lords paramount of soil, their abject and helpless vassals, the ryots, trained up to hereditary submission, will bear in silent dread whatever their imposing tyranny may inflict. The proof of this reasoning rests upon internal evidence; and to argue differently is to reason one way for him, who reasons another for himself.

9. These objections are stated by the Collector of Tirhoot, who, in opposition to a zemindary settlement, contends for the superior advantage of letting the lands in farm, and he is supported in this opinion by the Collector of Circar Sarun. He remarks that comparisons between the farming and zemindary systems are inconclusive; that the former has never had a fair trial; no fixed principle ever marked its progress, but on the contrary, all was diffidence, apprehension and distrust: and that experience alone can decide the eligibility of the two systems: a farmer not possessing the same influence as a zemindar, he cannot exert in the same degree, his power and influence to the oppression of the ryots, who will not so readily submit to him.

10. The above is the only argument of a general nature, which I find advanced in the papers before me.

11. I most willingly admit that the fluctuation and uncertainty of the measures of Government, have been ill calculated to promote the success of any system, and so far that of letting the lands to farm has not been supported, as it might have been; but the argument applies with more force in favour of the zemindary plan of settlement, and has always been urged, as a reason for reverting to it. Experience must be the test of all measures; and where the execution of a system depends upon so many agents, possessing in various and unequal degrees, the qualifications necessary for the task, no other test can be appealed to. Permanency is the basis upon which every system ought to be established, and there is no doubt that a farmer holding a lease of ten years would have motives of exertion, which an annual renter does not possess; but it is too much to affirm, that the proprietor of the soil, when he has obtained assurances of security from increasing demands, will want those motives which would stimulate

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a farmer; on the contrary, they ought to be more efficacious, as his interest is more deeply concerned.

12. The general and fatal incapacity of zemindars has been amply detailed, but it is not probable that under our form of Government the evils attending it would be remedied, by the substitution of farmers at the discretion of the controlling officer; that amongst the natives generally, men of abilities, experience and capacity, superior to the present zemindars in general, might be selected, is indisputable; but such a plan is in its nature, variable. Favour and patronage would often direct the choice, which, without such motives, would also be subject to the evils of want of experience and judgment in the person who selected the farmers. We are not to depend upon the virtues or abilities of the natives only; our reliance must be placed upon the restrictions of our own laws, and upon an undeviating enforcement of them; and the same zeal and abilities that can control the conduct of a farmer, may direct and restrain that of a zemindar, admitting self-interest, in opposition to public good, to have equal operation with regard to both.

13. Mr. Bathurst's arguments appear to me to have been suggested by the conduct of Mahdoo Sing, the Rajah of Tirhoot, the only principal zemindar under his authority. He describes him as incapable, nearly an idiot, oppressive, tyrannical and faithless, and as abusing his authority by the delegation of it, to improper agents. To deduce general conclusions from particular instances, is not fair argument; the conduct of Meterjeet Sing, the zemindar of Jeekarry, is an instance on the other side, equally favourable to the zemindars: and, as far as one example may be admitted as a character of the whole, must be opposed to all conclusions derived from the behaviour of Mahdoo Singh; but we ought not to reason generally from the conduct of either; and unless the proprietors of the soil can be proved liable to disqualifications greater than any other class of people, and such as overbalance the comparative advantage of making a settlement with them, in preference to any other set of men, and the injustice of taking the management out of their hands, they ought not, upon general principles, to be set aside. Certain exceptions, in the case of peculiar disqualifications, are allowed, and there may be further particular reasons for dispensing with the general rules, which however I would establish as universally as possible.

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14. I do not pretend in this place, to discuss the question in all its extent, as it has been before fully considered.

15. In his letter of the 23rd July 1789, the Collector of Sarun details many objections, which I shall hereafter state, to a settlement with the immediate proprietors of the soil; recommends in preference the employment of farmers, contends for the propriety of this system, and proposes the plan of a ten years' settlement with 14 farmers for Sarun, and 4 of Champarun; and he gives the following definition of a zemindary in Sarun.

"That it is a portion of land consisting of sundry farms paying "revenue to Government, belonging to numberless proprietors manag- "ing their lands, either by themselves or their agents, but acting in "general under a nominal proprietor, called the zemindar, (with whom "they engage for their revenue) having a real property perhaps of a "fiftieth part of the zemindary."

16. Upon these paragraphs I shall observe, that the objections stated against farmers on the 30th May 1788, ought to be as solid now as they were at that period. The propositions of the Collector, on both dates, apply to a ten years' settlement; nor can I reconcile the Collector's definition of a zemindar, or the fact of a zemindary settlement as made in September last with 74 proprietors, with the declared refusal of the zemindars to rent each other's lands, combined with the number of zemindars in Sarun.

17. So much as to general objections; with respect to the special, I shall premise that I was not unapprized of the objections which might be made to the first propositions, and expected accordingly that they would be stated, as the mode in which it was conveyed to the Collectors of Behar, was the best calculated to bring them forward in their full force.

18. The acting Collectors of Bauglepore state, that the Muskoory Talookdars are at present dependent upon the zemindars, in the same manner as the latter are upon Government; they are liable to dispossession, and in that case, entitled to a russoom; that to render them independent, would be an infringement of the rights of the zemindars; and the execution of such a plan would be attended with peculiar difficulty, both in ascertaning those who are independent, and in detaching them from the zemindars. That the

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expectation of such a measure, would excite clamorous claims of independence, in crowds who are quietly and contentedly subsisting under the ancient custom of the country.

19. The Board of Revenue do not consider the Muscoory Talookdars, mentioned by the Acting Collector of Bauglepore, as intended to be included in the independent talookdars with whom the settlement is to be made, of course that the objections of the Acting Collector, founded on the jurisdiction exercised over them by zemindars, and which they consider as their rights, are obviated: in this opinion, I agree with them.

20. The preceding objections, founded upon the dependence of the Muscoory Talookdars, are special with regard to Bauglepore; the remaining objections may be reduced to the following points.

1. The number of zemindars:

2. The endless subdivisions of their tenures, and enmities subsisting between the various proprietors, as well as their individual claims to separate management:

3. The state of the property with respect to mortgages, and the difficulty of ascertaining the actual proprietors:

4. The difficulty of distinguishing the limits and extent of each zemindary:

5. The impoverished state of the proprietors of the soil, and the insecurity attending engagements made with them:

6. The probability of a deficiency from the inequality of the assessment:

7. The time required for making a settlement with different proprietors:

8. The expense.

21. These objections are stated by the Collectors of Circar Sarun and Tirhoot, who have detailed and amplified them. I have separated them, for the purpose of considering each more particularly, that the difficulties attending the plan may be thoroughly investigated, and the importance of them be duly weighed.

22. First. The number of the zemindars.

The multiplication of petty renters beyond certain bounds, is certainly an evil of considerable magnitude, when the form of our Government, and the formality of our proceedings are considered;

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the attention which must be paid to each, whether in forming the settlements or in collecting the rents, is considerable; and under such circumstances, there is danger that it will be dissipated and ineffective. The Board of revenue will find it difficult, properly and effectually to control such a system; still less, will this be in the power of the Supreme Board.

23. These are objections, which must ever remain, to a settlement with the immediate proprietors of the soil; where the distribution of property is so minute; and if the settlement were to be renewed annually, would be almost insuperable. But on the principle of a permanent settlement with the immediate proprietors of the soil where the distribution of property is so minute, and if the settlement were to be for a long period, much of the difficulty is removed, as the annual labour of investigating the resources of the renters, and fixing the assessment upon them, is done away.

24. With respect to collecting from a number of petty zemindars the trouble must be considerable; but I do not see that it is insurmountable. That balances will happen in the intermediate kists of the years, is to be apprehended from the dissipation, and inattention of the proprietors, and from the difficulty of a close attention to the detail; but ultimately the lands will prove a security for the recovery of them, and some additional regulations may be made, authorizing the attachment or sale of the lands, whenever the kists shall fall in arrears to a certain degree, during the course of the year. The Board of Revenue do not deem the number of proprietors a sufficient objection to the general rule.

Second.—The subdivisions of the tenures, and the enmities subsisting between the various proprietors, as well as their individual claims to separate management.

25. The subdivisions of the tenures, as far as they affect the proposed arrangement, may be considered in two points of view; first, where a number of proprietors have a right to a portion of land, which is undivided; and, secondly, where the land stands in the joint names of several, or of one for many, but each proprietor has his separate share in his own possession and management, or in that of an agent for him.

26. In the first case, the settlements must be made with all the proprietors jointly, each answerable for his specific proportion of rent, according to his right; and they must determine amongst themselves in what mode the management is to be made.

27. In the second case, there is no difficulty in determining with whom the settlement shall be made, or from whom the revenues shall be demanded, or whence the balances are to be recovered. The persons in possession, and the lands, are responsible.

28. In the first case, there is a clear rule for the recovery of balances, for where a settlement is made with a number of proprietors jointly, a portion of the land may be separated, and sold, equivalent to

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the amount; but there are other points of view, in which the subject is to be considered.—The Collector of Sarun quotes one instance of a village paying 600 rupees revenue, and having 52 proprietors; supposing the proportions to be four times greater, in this instance, between the property and proprietors, than in others, the difficulty of making a settlement with so many, or of collecting the revenues from them may be presumed very considerable.

29. These difficulties may occur, on the following grounds:—either when all the proprietors will not attend; or, will not agree to a manager. In either case, the determination of the majority in attendance, should be binding upon the remainder.

30. This decision will, I think, obviate all difficulties; for, supposing the proprietors numerous in any degree, and that the property is undivided, it can hardly ever happen that some will not attend; after all, however, every supposed obstacle arising from the refusal of the proprietors to propose a manager, may be obviated by the appointment of a Tahsildar to collect the rents from the ryots; after the discharge of the Government's rental, to divide the remainder amongst the proprietors, according to their respective shares.

31. That these difficulties exist at present, must be admitted; and they must be overcome, or the collections could not be realized.—The Collectors, who have stated the objections, ought to have mentioned how the business, under the circumstances detailed, is carried on, and why they are precluded from adopting the same plan, as is now followed by the zemindars and farmers.

32. Thirdly.—The state of the property, with regard to mortgages, and the difficulty of ascertaining the actual proprietors.

These mortgages, as explained by the Collector of Sarun, who urges the objection most pointedly, may be considered in two principal points of view.

First, whether the mortgagee has obtained possession of the land; and, secondly, where he has not possession; but by the conditions of the mortgage is entitled to it, in case of non-payment of the sum borrowed, after a specific time.

33. In the former case, the settlement is to be made with the mortgagee, and if the zemindar is able to discharge his obligation, he will recover possession from him by a suit, and succeed to his engagements. In the second, the settlement is to be made with the zemindar in possession, and the process above pointed out, must be observed by the mortgagee.

34. There are other objections to this point, stated upon different grounds, which will be considered in their proper place.

35. With respect to the difficulty of ascertaining the proprietors of petty estates; it may perhaps in some instances, be considerable; and yet I should suppose that the mofussil records would point them

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out; where the majority of proprietors appear, and admit the mutual claims of each other, part of the difficulty is removed; although there should be others unknown: the rights of the absentees are not superseded, and, when proved, will be admitted; where many appear, and dispute each other's right the settlement can only be made with those in possession, or a native Collector must be appointed, as before observed. If no proprietors come forward, the same mode must be followed, or the lands be given in farm. The objection is certainly founded on real difficulties, which cannot be obviated, without great application and attention; but what plan has not its inconveniences and embarrassments.

36. Fourth.—The difficulty of distinguishing the limits and extent of each zemindary.

I do not consider this as material; present possession can be determined, and the limits in general, must be sufficiently ascertained: if any disputes arise concerning them, they may be adjusted in the Adawlut. The 85th article of the Revenue Regulations, provides for the intermediate management during the litigation. If the limits (as the objection to be well founded, supposes) are very indefinite, how have the collections hitherto been made.

37. Fifth.—The impoverished state of the proprietors of the soil, and the insecurity attending engagements to be made with them.

38. The state of the proprietors is thus substantially described by the Collector of Sarun:—That they are, in general, involved in great distress, and their lands mortgaged over and over again, both on public and private accounts, to almost their full value; that the proprietors in this situation have made over their lands; or entrusted them to a superior zemindar, who favours the possession with his indulgence and assistance, by procuring for the proprietors continual and occasional loans.

39. The inconveniences resulting from this state of things, are thus detailed:—That the connection, by the proposed plan of settlement, between the inferior and superior zemindars, will be dissolved, and the former be left without support; consequently, they must fail; that although the sale of the land should indemnify the Government from loss, the proprietor will be ruined by the sale of his lands, proceeding from a want of support and assistance.

40. The Collector further states, that, from extensive enquiries made by him upon this business, it by no means appears that the proprietors are themselves anxious for the establishment of a system, which they consider as exposing them to trouble and distress, without any adequate advantage.

41. Extravagance and mismanagement are assigned as the causes of the distress of the zemindars; and it may be admitted, that such, as by these means, have reduced themselves to depend upon expedients for support, may want the inclination or resolution to resume the

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management of their estates, and take upon themselves a responsibility, to the discharge of which they are unequal. Experience in common life is in favour of this reasoning. To face heavy distress, and overcome it, often requires a degree of resolution to which persons in this unfortunate situation are unequal.

42. For where the zemindars are involved in great distress, and are liable to the demands of numerous creditors, they will probably foresee the necessity of parting with some portion of their rents, in order to pacify them; and in all cases of incapacity, a failure may ensue with regard to their public payment, which must be made good by a sale of the lands. But the objection, as far as relates to the personal interest of the zemindars, applies equally to the existing system, by which they must be involved in total ruin; for if they subsist by loans, which they can never discharge, (and from the Collector's account, this appears to be the case) the accumulation of debt must at last sink them.

43. Their case, as described, seems desperate, under any plan, yet the chance of relief is greater, where they take the management of their own lands, than where they lessen their profits, by resigning them to the management of others; and if their present distress may in any degree be supposed to originate from the revenue system, as heretofore established in Behar; it is the interest and duty of Government to afford them a chance of relief, by a change of management. Those who have capacity for the task, will probably obtain relief; with those who want it, or the means of promoting the cultivation of their estates or are driven by the distress in which they are involved to unfrugal expedients, their final ruin may be precipitated; but the foundation is already laid in existing evils, to which, and not to the proposed system, their ruin must be imputed.

44. With proprietors of this description, if a settlement be made neither they nor the State will immediately benefit by it; hereafter the introduction of more frugal or able managers will be advantageous to the latter. As property becomes more valuable, the care of managing it will increase.

45. To the concluding remark of the Collector of Sarun, it may be sufficient to reply—that in directing him to make a settlement with the immediate proprietors of the soil, they are not compelled to enter into engagements. It is optional with them to engage or decline; if they do embrace the offer made to them, the risk is their own, and they must stand to the consequence of it; or if they think it will be more advantageous to them, to resign the management to a principal zemindar, I see no objection to the measure.

46. Sixth.—The probability of a deficiency from the inequality of the assessment.

47. This objection is founded on a supposition that, under the present system of combining many petty zemindars under one principal, the deficiency in one, is supplied by the profits of another, and the

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sum total payable to Government made good; whereas by separating them, the deficiency will be unprovided for.

48. The fundamental inequality ought to be corrected by the knowledge and ability of the Collector, by reducing the assessment where too heavy, and by increasing it where it admits: supposing this to be done, the objection no longer remains; and this indeed appears to be effected by the present zemindars, though in a mode less regular.

49. I acknowledge the task to be very difficult, if the greatest precision be required; but the regularity of the mofusil accounts in Behar, renders an operation easier in that province than it would be in Bengal, where they cannot be procured with the same facility.

50. Seventh.—The time required for making a settlement with the different proprietors.

51. From the declarations of Messrs. Bathurst and Montgomerie, we cannot entertain hopes that the settlement will be accomplished by them, in one year, and perhaps not in two. Admitting this, the ten years' settlement cannot at once be effected, but must be completed gradually, pergunnah by pergunnah, and the old system of a yearly assessment, where the new cannot be introduced, be continued for the present. In those places where the new plan is unattempted, the settlement must be made, upon the general regulations of the 25th April 1788.

52. Eighth.—The expense.

This is stated by the Acting Collector of Bauglepore at 4,800 rupees; by the Collector of Sarun, at 47,880 rupees; and by the Collector of Tirhoot, at 92,250 per annum.

53. Why this heavy expense, in the two last instances, should be incurred, I am at a loss to conceive. The charges attending the appointment of Tahasildars must be considerable; but considering them in the light of substitutes for farmers, the amount ought not to fall upon Government, that is, it ought to be made good, by realizing an amount equal to it. In the same manner as the expenses of the former are provided for, those of Government ought to be supplied, or nearly so, allowing all operations to be carried on by Government, at a greater charge than an individual would incur.

54. I should therefore hope that, with more particular information and further experience, the Collectors of Sarun and Tirhoot will discover the possibility of reducing the expenses, or the means of providing for them. The deduction from the gross payments of the ryots ought to be less under the proposed system, than under the former, as it admits of more economy. The zemindar, who supports with loans or credit the inferior land-holders, is paid in proportion to his risk, which is again to be estimated by the distresses of the borrower; and the malikana and kurcha must be at all events deducted. The Collector of Behar states the expenses of a native Collector over a

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pergunnah yielding two or three lacks of rupees, upon the principle of a village assessment, at 2 per cent.

55. The Board must however consider and determine upon the objection of the expense, supposing ultimately a necessity of incurring it, in the degree stated. The question is—whether we are authorized to establish it, at an expense so great as that stated by the Collectors of Tirhoot and Sarun; and I think a trial, under the suggestions now pointed out, should be made previous to an absolute decision upon it.

56. I acknowledge that I consider the necessity of introducing Tahsildars, or native Collectors, which is essential to the proposed plan, as a principal inconvenience attending it. This officer stands between the inferior tenants and the Collector, supplying the place of a Sudder farmer. I do not think the substitution, attended with such great advantages as it may apparently have; Government can never afford to reward the Tahsildars in a degree sufficient to preclude temptation, and must rely upon its coercion over them; but coercion cannot be exercised, without understanding the detail of the duties committed to their management. If it be contended that the Tahsildar is liable to dismission, and that therefore, the principle of coercion is stronger with respect to him, than in the case of a farmer, who cannot be dismissed; on the other hand, it may be observed, that extortion in the latter may be punished by fine and damages, and that he has in self-interest, under the supposition of a permanent system, a greater motive to restrain him than a native Collector. The latter will regulate his conduct by the estimate which he forms of the abilities of the Collector under whose authority he is placed; if he knows him to be vigilant, active, and well-informed he will be cautious, diligent, and honest: if he supposes him to be otherwise, and that he can misbehave with impunity, he will intrigue with under-renters, or abuse his influence, withhold true knowledge, and impose upon his principal by misinformation. The plan in its detail, by fixing the rents, removes a grand opportunity of abuse in the Tahsildar.

57. The objections which I have gone through, may be reduced in great measure, to the detail of the system, and the difficulty of executing and controlling it. The Collector of Tirhoot with great candour acknowledges this; and with a diffidence which is highly to his honour, observes, that many evils must inevitably present themselves under the superintendence of men of an ordinary stamp, in the execution of systems adapted to the genius and comprehension of a favoured few.

58. I most certainly agree with him, that systems of management should be adapted to ordinary capacities; and so far an objection lies against a plan which requires a considerable degree of knowledge, and great exertions; but on the other hand, when the object of the system is considered, the establishing the proprietors of the soil in the management of their lands and rents; the importance and justice of the consideration ought to weigh against arguments founded on convenience alone, and a trial should at least be made, particularly since we find it practicable, in some instances.

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59. Upon the whole, I do not see sufficient objections to supersede the first proposition, which is the foundation of all the rest. Two points are necessary to be attended to :—

First.—That the instructions for the execution be more detailed and calculated to point out, for the information of the Collectors, the mode by which the present difficulties, as far as we can judge of them, may be removed.

Secondly.—That the settlement with the proprietors be progressively and partially formed; so that knowledge and experience may be gradually acquired, and the difficulties in one place be surmounted, before the plan is attempted in another.

Resolution 2nd.—That the settlement be made for a period of ten years certain, with a notifiction that, if approved by the Court of Directors, it will become permanent, and no further alteration take place, at the expiration of the ten years.

60. Objections to this are stated by the Collectors of Sarun and Bauglepore : those of the former, have been enumerated and considered.

61. The Collector of Tirhoot does not specifically object to the resolution, though he does virtually, by proposing another different in principle ; viz. That it be declared, a final settlement will be made at the end of the ten years, according to the assets of the country, at that time. The Collector of Bauglepore assumes other grounds :—the imperfections and abuses which at present exist, in the system of the mofussil collections ; that the zemindars and farmers making it a rule to collect in whatever manner their predecessors collected, unless there are stipulations to the contrary, every unjust and destructive custom will become in some degree sanctioned.

62. To this I shall first reply, admitting what I believe to be true, that we are not fully informed of all the abuses which are practised by zemindars, farmers, and their officers, in the detail of the collection, or fully prepared to correct in every instance such as we know or presume to exist, by specific regulations ; much may however be done, and many rules may be established for remedying existing evils ; and if the country has supplied the resources for so long a period, subject, during it, to the great abuses affirmed to exist, it ought to be in a much better condition at the end of ten years, than it is at present; supposing regulations established and enforced, which is certainly practicable ;

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besides, as many of these abuses have arisen from annual settlements, and the necessity which the renters have thereby been under, of resorting to unthrifty expedients for making good their engagements, the cause being removed, the effect may in some degree be expected to cease. As to Mr. Bathurst's proposition, I agree with the Board of Revenue, in deeming it unnecessary and impolitic; unnecessary, because it will be in the power of Government to adopt such a principle at the expiration of the ten years, if then judged more advisable than the confirmation of the existing settlement; and impolitic; because the previous declaration might tend to discourage industry and improvement.

63. As to the assurance proposed to be made to the proprietors, that if the settlement be approved by the Court of Directors, it will become permanent, and no further alteration take place at the expiration of the ten years, I entertain some doubts of its propriety.

64. The intention of making it, is to give fuller confidence to the proprietors of the soil than a ten years' lease will afford. I am not sure that it will have this effect in any material degree: to those who have subsisted upon annual expedients, a period of ten years is a term nearly equal in estimate to perpetuity. The advantages of the last years of this period, must depend upon their exertions during the first, and if these are neglected in the outset, few of these zemindars will be in possession of their lands half the prescribed term. Their own security, without the declaration, requires exertions in the beginning of the lease.

65. Towards the close of it, or after some years have elapsed, when they are become sensible of the advantages of a permanent system and have acquired a confidence in the assurance of Government, and the stability of its measures (and experience alone will teach it) then they will be anxious for the confirmation of a system which they find advantageous. There may be particular instances to the contrary; but, generally, I conceive that the natives would receive such a declaration without much confidence in it, referring their belief to time and experience. If it be admitted, that their confidence in public measures and declarations has been shaken by the fluctuation of system, this reasoning will be just.

66. But it may be asked, what positive objections occur to the declaration? In my opinion, the following:

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67. That we cannot answer for the confirmation of it; and if it be not confirmed, the confidence of the natives will be shaken. For if they act upon the declaration, it must be under a conviction that it is well founded; and if this conviction be afterwards done away, they will suspect all assurances. It is true that nothing certain is promised, but those who rely upon the certainty of the notification, will, if they are disappointed, conclude that it was meant to deceive them. With others, who are not stimulated by it, the declaration is of no importance.

68. But it may be further asked, what reason have I to suppose it will not be confirmed? My answer to this is, that whatever confidence we ourselves have in the propriety of the measures which we mean to adopt, we cannot pronounce absolutely upon their success, without experience; and before we recommend the perpetual confirmation of a general measure of so much importance, we ought to have that experience. I am not sure that the plan will be executed with such ability, as to justify a recommendation of its confirmation in perpetuity:—of this, we can only judge, when we have seen the progress and conclusion of the settlement.

Resolution 3rd.—That the jumma which each zemindar is to pay, be fixed by the Collector on fair and equitable principles, with the reserve of the approbation of the Board of Revenue, to whom the Collector is to report the grounds of the decision on the jumma, according to the best accounts which he can procure of the value of the lands, without a measurement of them. That if he should deem it eligible, he may call upon the zemindars to deliver in proposals for renting their lands, but that this judgment is in the first instance, to determine the amount.

69. With respect to the Huzzoory mehals of Bauglepore, the Acting Collector observes that, with such information as stands recorded in the Cutcherry, joined with experience and local knowledge, the jumma may be fixed, with sufficient exactness: and the Collector of Tirhoot, in stating the mode of fixing the jumma at present, gives a rule for his own conduct, viz.—The jumma of each village is taken for four years, or sometimes more, and the prospect of the current year's produce considered, when the aumil and the malik or proprietor, agree to the medium jumma.

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70. This last seems a very fair rule; but how the information pointed out can be obtained, without some examination of the putwarries' accounts, and without the discrimination mentioned by Mr. Bathurst, I am at a loss to conjecture.

71. The objections to this rule, will, in a great measure be obviated, if time be allowed the Collectors for finishing the task prescribed in it; and this must be done.

72. The Board should, however, determine what is meant by fair and equitable principles; and I would accordingly propose the following definition:

73. That the average products of the land for common years, say of three or four, be assumed as the basis of the settlement; and that from this a deduction be made, equal to the malikana and kurtcha. The Collectors must of course take care, that the produce be duly ascertained. In any case of great uncertainty, they may be authorized to measure the lands; but this should only be done on the grounds of particular necessity, and a report be made to the Board of Revenue, whenever it is undertaken. There is some difference between this proposition, and that for the settlement of Bengal. The prevailing system in Behar allows the investigation of the mofussil accounts in that province, with more facility than in Bengal, where they cannot be procured, without much labour, expense,and delay.

Resolution 4th.—That the gunges, bazaars, hauts, and other sayer collections, be not included in any settlement with any zemindar; but that for the present they remain under the exclusive jurisdiction of an officer appointed by the Collector, who is to propose such regulations as he may think best calculated for regulating and collecting the duties.

74. Amongst the objections urged to this proposition, I find one only stated against it, as an invasion of the zemindary rights; and this is very pointedly made by the Acting Collector of Bauglepore, who observes that, on asking the sentiments of a zemindar upon the separation proposed, he replied with sullen emphasis, "that Government if it pleased, might take from him his whole zemindary."

75. If the same objection existed in other parts of Behar, I conclude it would have been stated. The reason why it is not, may possibly be this, that the system of management adopted in Behar for so many years, having been calculated to destroy all ideas of right

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in the proprietors of the soil, beyond their admitted claims to a tithe of their proprietary rights they consider all besides this, at the discretion of Government; whereas in Bauglepore, the management has partaken more of the nature of that established in Bengal and the zemindars will urge their claims with a confidence proportioned to it.

76. If this were not the case, I should conclude that the principle recommended ought to be extended to the gunges and sayer held and collected by the proprietors and tenants of the altumgha and jaghire lands; for, as far as right is concerned, I see no reason why that of the zemindars should be invaded, whilst men of another description are left unmolested; nor if public utility only be consulted, why the inconveniences resulting from variable rates in one instance, and the number of managers, should not operate equally to prove the necessity of a reform in another, and the propriety of undertaking it.

77. In Bengal, I conceive most of the zemindars would argue in the manner pointed out by the Acting Collector of Bauglepore; nor do I think the observation of the Board of Revenue a sufficient reply to it. That, considering the actual practice of the Government they were subject to, long before the administration of their present rulers, the adoption of the settlement would leave them no ground of complaint; and that in general, they would agree to relinquish the sayer collections, to obtain a permanent assessment of their lands, is a doubtful opinion—they ought and must submit, but that the submission would be voluntary cannot be affirmed; but a Government should consider what is right in itself, and not merely be influenced by the opinions of its subjects.

78. In the propositions for the settlement of Bengal, I extended the regulations regarding the gunges as far as I could, without a declared violation of proprietary right; but the arguments against the measure in Bengal, are much stronger than in Behar, to which the present discussion applies; and I shall hereafter state them.

79. The distribution of property in the Behar province, obviates an objection, which, from a different state of things, would occur to the measure in Bengal.

80. Admitting therefore, for the present, that the zemindars do not in that province, contend for the right of possession with respect to the gunges, the question goes to the propriety of the measure, and to the extent in which it shall be carried into execution.

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81. To the separation of the gunges from the zemindary jurisdiction, I find no objection urged; and the propriety of it, with an exception of the Acting Collector of Bauglepore, is admitted by the other Collectors of Behar; but the Collector of Sarun objects to the separation of the haut, bazar, and petty sayer duties; and the Collector of Tirhoot who adds the bazaars to the gunges, excludes a number of articles, commonly estimated in the sayer, in all eleven, because they are included by the putwarries of each village in the same accounts with the mehal, or land-tax, and considered by them as attached to it, and their separation would bring on endless disputes, and multiply inconveniences instead of diminishing them.

82. If those articles be examined, although they may be denominated sayer, many of them will be found very different from custom-house duties, in which sense the term is often understood; indeed, I have always conceived the sayer to mean articles of revenue distinct from the land-tax. Thus, the rent or revenue levied from fisheries, for a right of grazing on cocoa or palm trees, or orchards, and some others, cannot be considered in the native custom-house duties, but much more so as rents.

83. There is a distinction between hauts and bazaars; the former are markets held on certain days only, and resorted to by petty vendors and traders; they are often established in open plains, where a flag is erected on the day and at the place of purchase and sale.

84. Bazaars are daily markets, though, on particular days, it is not unusual to have them in a haut, where a number of petty vendors besides the established shopkeepers, frequent them.

85. In gunges, the chief commodities sold are grain and necessaries of life, and generally wholesale. They often however include bazaars and hauts, where the articles are sold in retail, and in greater variety; and this in towns is commonly the case.

86. Independent of the question of right, I am of opinion that neither the collections on account of the sayer generally, nor the hauts, should remain under the charge of the Collectors; and that such a measure would multiply labour and expense, without producing any adequate convenience. With respect to the bazars, the same objections occur in a degree, unless they are of considerable importance; but these, as well as the gunges may, for the purpose of regulation, be placed under their authority.

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87. Before a final determination is made upon the general question, whether the gunges, bazars, sayer and hauts, should be separated from the jurisdictions of the zemindars, I would propose some queries to the Collectors, as to rights. In the meantime the settlement may be made, with the proprietors of the soil, agreeable to the terms of the second resolution, in order to afford the Collectors due means of obtaining more particular information into the nature of the sayer generally; or the gunges and bazars only, may be excluded, and the hauts and sayer be included in the zemindary assessment, under a claim binding the proprietors to submit to such regulations and limitations regarding them, as may be hereafter determined upon. With the information required, before us, we can then determine, whether abuses in the sayer collections are such as cannot be remedied without a declared violation of proprietary right supposing it to exist; and whether they are of such importance to the welfare of the community as to justify an infringement of that right, at a period when we profess to confirm and strengthen the rights of the zemindars.

Resolution 5th.—That the jumma of each zemindary being assessed, the amount thereof shall be apportioned upon the different villages in it, if possible, previous to the conclusion of the sudder jumma, either by the zemindar, who is to be required to make the distribution, or Collector; or, subsequent thereto, under a clause binding each zemindar to deliver in an account of the assessment on the villages apportioned to the sudder jumma, within three months from the signature of his cabooleat; and that it be notified to the zemindars, that a portion of their estates will be sequestered, and sold, to make good any deficiency of the revenue paid by them; and if the Government should think proper to alienate the land sold at the amount of the assessment, as delivered by them, they shall not receive any remission, on account of inaccuracy of their statement.

88. No objection is made to the principle of this resolution; but the Collector of Sarun states various reasons why the distribution of the village assessment ought to be performed by the Collector; and not by the zemindar. They may all be reduced to this; that with a view to defraud the Government, or individuals, the proprietors or possessors of villages will rate them unequally.

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89. The different cases which he states are possible; but intentional fraud, when proved, may be punished legally by fine and damages. He supposes a zemindar to have mortgaged a certain number of his villages, and that to prevent the mortgagee obtaining possession, he will overvalue the produce; as the possession of the land will entail an annual loss upon the mortgagee, he will renounce his claim rather than prosecute it. He reverses the case, by supposing the mortgagee in possession: but this can only be possible, where the mortgagee is a principal zemindar possessing many other villages.

90. A general regulation may be formed to correct this practice; but I would leave it to the Collectors to distribute the assessment, or demand from the zemindars the distribution, as he may think proper, adopting, in the latter case, such correction, as from information he may be enabled to make.

91. The term of three months I consider too short for preparing this record, in whatever manner it be done, and would extend it at least to the first year of the lease.

Resolution 6th.—That if there are villages, of which there are no proprietors the settlement of them be made with a farmer, for the term of ten years.

92. Upon this resolution, the following queries have been made:—

93. The Collector of Behar requires information, whether the farmer's son or heir is to succeed to the lease.—*2.* The Collector of Shahabad states the following questions:—

First. Whether villages, of which there are no proprietors, shall all be let out to one farmer or in different lots, to different teekadars. Secondly, whether the farmers or teekadars of such villages are to receive a similar assurance to that given to zemindars, of a Mukurrery at the end of ten years or not.

94. The decision of the first query should be left open, I think to the discretion of the Government. Where the heirs are capable, I see no objection to confirming them in possession, during the remainder of the lease, if they are willing to undertake it: where they are minors, or females, or where the succession to the property of the deceased farmer is disputed by many, the remainder of the lease may be better disposed of. In a contigency of this nature, the convention ought to be reciprocal between the parties concerned in it. To the

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queries proposed by the Collector of Shahabad, I think the following answer should be given :—

95. The villages be not all made over to one farmer, but, disposed of in lease to several, according to their value and situation, and the character and responsibility of the farmer.

96. To the second, that a promise of Mokurrery at the end of the lease be not made, for the reasons which I have assigned under the former resolution, as well as on the suggestion of the Board of Revenue.

Resolution 7th.—That the sudder kistbundy be so regulated, as to afford the zemindars all possible convenience in the discharge of their rents with a due regard to the security of Government; and that the Collectors report whether any and what inconvenience would ensue, from extending the period of the sudder kistbundy to two months instead of one.

97. I shall quote the observation of the Board of Revenue, on the remark made by the Collector of Behar on this resolution: that it appears to apply only to the first part of the resolution, the regulation of the sudder kistbundy, according to the convenience of the renters.

98. I am decidedly of opinion, that the kistbundy ought to be monthly; and that the reasons stated against the extension of it, are solid; the alteration would be attended with risk, which prudence ought to avoid.

Resolution 8th.—That, as the number of persons paying revenue immediately to Government, may, in consequence of forming a settlement with the zemindars, be greatly increased, the Collectors report if it will be necessary and advisable to appoint Tahsildars to receive the revenue, from a certain number of the land-holders; and whether any and what additional expense will be required on this account.

99. My remarks upon this have been already detailed. With respect to the expense, I see no reason to apprehend that the establishment of Tahsildars, will diminish the resources either in Shahabad or Behar. In the districts of Tirhoot and Sarun, where the increase of charges are stated enormously high, we shall be better enabled to judge, when some progress is made in the settlement, as this will be progressive; the expense will of course keep with it.

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Resolution 10*th*.—That unless any objections, arising from the insufficiency of the number of sicca Rupees in circulation, should occur, all engagements between Government and the zemindars, talookdars, and farmers, be made in sicca Rupees, and that no other species of rupees be received in payment of the revenues; and, if any such objections should occur, that the Collectors be required to detail them, and to state their opinion with as much accuracy as they may be able, as to the additional number of sicca Rupees which it would be necessary to introduce into the circulation of their respective districts, to enable the zemindars, talookdars, and farmers, to pay their revenues in that specie.

100. The stated insufficiency of the sicca Rupees in circulation, is an insuperable obstacle to the immediate declaration of this specie alone, being the legal tender of payment.

101. The information given in the last part of this proposition, is not so ample as I could wish: indeed, it may be presumed of difficult attainment. The following is all that I can collect upon it.

102. In Tirhoot, the Sanaut Rupees with respect to sicca are stated in the proportion of two to one.

103. In Purneah, the sicca Rupees are said to make no part of the actual circulation, and never amount to a considerable quantity: that to carry the resolution into effect, the currency must be changed, and a number of sicca Rupees, equal to the whole circulation, be introduced. This is estimated at twenty lacks of rupees. In Circar Sarun the quantity of siccas required for the circulation, is stated at one year's produce.

104. The objections to the resolution, and the grounds on which they stand, are as follows:—

That the ryots pay what they receive for the produce of their goods, which are not siccas; the zemindar, what they collect from them by impelling the zemindars to pay siccas. The compulsion extends through the under-renters to the ryots, upon whom the weight of the shroffage ultimately falls.

105. The resolution would afford an opportunity for the greatest impositions upon the ryots.

106. But although there are objections to compelling the zemindars and renters to make good their payments in sicca Rupees, I agree with the Board of Revenue, in the propriety of the resolution,—

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That all engagements between Government and zemindars and talookdars should be in sicca Rupees; and that further, a clause should be inserted, obliging them to pay the same species of rupees to the Collectors, as they receive from their under-tenants.

107. This clause has a reference to the future regulation of the coinage, when, in consequence of the proposed coinage, sicca Rupees became more in quantity. The zemindars and talookdars, without the clause, may protract the progress of the coinage, by an intermediate exchange of the sorts which they received for the sicca species.

108. I agree with the Board of Revenue in the propriety of establishing printed forms of Pottahs, as suggested by the Collector of Behar; but they cannot, I think, be prepared in time, for the new settlement. I wish also to know, if the proposition is meant to extend to the Pottahs given by the zemindars to their under-tenants.

109. The Collector of Shahabad states also an important query —whether, after the conclusion of the settlement, the zemindars are to be allowed to borrow money, on the credit of their estates; or to dispose by sale or otherwise, of such estates or any parts thereof, registering such sales or transfers in the Collector's Cutcherry, for the purpose of ascertaining from whom the revenue of Government is demandable.

110. The Collector of Behar, in an address to the Board of Revenue, of the 13th July 1788, which was submitted to the decision of this Board, proposed an alteration of the 53rd and 56th Articles of the Revenue Regulations, the former of which, prohibits the conferring of any grants of lands, or authorizing any alienations, sale, mortgage or other transfer of landed property, without the express sanction of the Board of Revenue; and the latter prohibits the sale of lands belonging to any zemindar or other proprietor, without the previous and express sanction of the Board of Revenue, which could not be given, without that of the Supreme Board.

111. I have always proceeded with caution, in recommending alteration of the public regulations. The restriction conveyed in the 23rd Article existed long before the date of the regulations referred to, and was suggested originally, I believe, with a view to prevent collusive transfers, and particularly to guard against the influence of the public officers over the zemindars.

112. As it now stands with respect to Behar, considering the great distance of that province from the seat of Government, it must

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operate virtually to the prohibition of all transfers, to the depreciation of real property, and the evident inconvenience and distress of the proprietors in many cases.

113. I would therefore propose the revocation of the 53rd Regulation with respect to Behar, and that the question of the Collector of Shahabad should be answered in the affirmative. A new regulation must of course be substituted in lieu of that annulled, with the necessary cautions and provisions. It is not absolutely necessary that it should form a part of the present instructions. The notification of the permission will be at present sufficient for the renters.

114. With respect to the 56th Regulation, it cannot be rescinded, without a deviation, from the orders of the Court of Directors; nor would I, independent of this recommend it. The power of distraining, may be delegated to the Collectors; this will be sufficient for them, and the sale be postponed, for the orders of the Supreme Board as at present.

115. In all cases where the zemindars have resigned the management of their lands, relating possession of the malikana or tithe, it should, I think, be established as a general rule, that the whole be re-annexed, and that they be required to enter into engagements for the whole zemindary, including the malikana. The terms of the lease will, in this case, be regulated by the definition of the terms of the third resolution; if they decline, the settlement should be made with others, and the zemindar receive his malikana in money.

116. All grants of malikana confirmed by the Supreme authority, are of course to be excepted from this rule, and should be reported; and we must establish provisions for cases in which the malikana, after authorized separation, may have been mortgaged or sold.

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APPENDIX B.

MR. SHORE DELIVERS THE FOLLOWING MINUTE.

I have perused, with deliberate attention, the Minute of the Governor-General, in opposition to two points, in the proposition which I submitted to the Board. The question at present between us is, whether a notification shall be made to the proprietors of the soil in Behar, that the settlement, if approved by the Court of Directors, will become permanent, and no further alteration to take place at the end of the ten years. My opinion is, that it ought not to be made because the declaration will produce little, if any, advantages, whilst it may be attended with great inconvenience. The Governor-General, on the contrary, contends, that great benefit will result from the declaration; that it will be attended with no inconvenience; and that the suppression of it will be in the highest degree detrimental.

After thanking the Governor-General for his approbation of my public conduct, which I value as highly as any that can be bestowed upon it, I shall now support my former opinion, in which I am strongly confirmed, with the same freedom with which I invite discussion.

A declaration of the nature of that in question, is by no means adapted to the habits or modes of thinking of the people to whom it is addressed; and it is from their understandings, and not from our own conceptions, that our conclusions, as to its effects, must be drawn. With men who have seen systems vary with every change of administration, and new plans successively introduced under the same Government, I can never expect that a declaration, conditional on its terms, will have that effect which the Governor-General supposes, in opposition to the whole experience of their lives; and this too, at a moment of innovation, when we are introducing a system of management different from any that has ever yet subsisted in Behar, since it came under the dominion of the English.

The declaration implies an attempt to reconcile the idea of a dubious perpetuity, with an absolute engagement for a limited time; the zemindars and talookdars will look to the latter only, relying upon it,

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from year to year, until experience shall have shown that reliance to be well founded.

I do not admit, that by withholding the declaration, the idea of permanency, as far as the proprietary rights of the zemindars are concerned, is withdrawn, or that the acknowledgment of those rights by such a measure, ceases to avail to them; the contrast between annual imposition, and a certainty of ten years, suggests a very different conclusion; great as the difference is in fact, between a permanency of ten years, and a perpetuity yet under the present circumstances of the country, the difference between the former and an annual assessment, will, to the conceptions of the people in general, if they reason at all, appear equally great and beneficial.

I have said, that in the estimate of the people, a period of ten years will be nearly equal to perpetuity; and although the Governor-General differs with me in opinion, I still think the position well founded, supposing the possibility of some exceptions; yet the confidence of the natives in the stability of this assessment, will not be immediate, but arise from time and experience; and those who do rely upon it, must, for their own security, exert themselves. I am not inclined to expect any sudden revolution in the habits and opinions of the natives of this country, but rely upon time and the stability of our arrangements, to produce this change—that they are more influenced by temporary advantages than by a prospect of certain and remote benefit, and that their conduct is regulated by this principle, the concurrent experience of all will allow. We wish to infuse more prudent and economical principles, and we adopt the conduct calculated to produce this effect; but time and self-interest will be required to confirm them. When the zemindar of Nuddea undertook to be answerable for the revenues of that district, in April 1786, it was under conditions that left him without a possible chance of any advantage, under renunciation of a certain subsistence, and subject to a responsibility which was discharged by a sale of part of his zemindary.

Whether, the proportion of jungle is more or less than a third of the Company's territorial possessions in Hindostan, I know not; but, with respect to the past I am, from my own observation, as far as it has extended, authorized to affirm, that since the year 1770, cultivation is progressively increased, under all the disadvantages of variable assessments and personal charges; and with respect to the future, I have

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no hesitation in declaring, that those zemindars who, under confirmed engagements, would bring their waste lands into cultivation, will not be deterred by a ten years' assessment, from attempting it. If at this moment, the Government chose to confer grants of waste land in talookdary tenure, under conditions that no revenue should be paid for them during five years, and that at the end of ten, the assessment should be fixed according to the general rates of land in the districts, where the tenures are situated, they would find no difficulty in procuring persons to engage, even upon less favourable terms. If, mistake not, the grants in Ramghur were precisely upon these principles, which are conformable to the usage of the country. Because the utmost scope of encouragement is not held out by a ten years' settlement, it will not follow that none is afforded, or that the country, at the end of ten years, will become desolate. I desire to be understood in this place, that I do not mean to tax industry, in proportion to its improvement.

The Governor-General seems to consider the declaration under discussion as equivalent in effect, to an assessment in perpetuity, and his arguments are deduced from this principle, and from the necessity of establishing it. He considers a ten years' settlement as a bar to all solid improvement: my opinion and arguments oppose this interpretation of the declaration, and go to show, that improvement, if at all likely to happen, may be expected under a ten years' settlement. I do not consider the perpetuity of the assessment as properly forming any part of the present discussion, although it is required that our arrangements be made with a view to this principle. Such I understand to be the orders of the Court of Directors, whose reasoning upon this subject is not very different from my own; for they are of opinion, that the idea of a definite term would be more pleasing to the natives than a dubious perpetuity; and upon this ground, and because they do at the same time, upon a full consideration of the subject, see other reasons for preferring a given term of years at present, they therefore direct that we form the assessment for a period of ten years certain.

But I have, on a former occasion, expressed my doubts whether the Company or Government in England should bind themselves to fix the assesment of this country, in perpetuity. These doubts were suggested by mature consideration of the various existing abuses, which I have so fully detailed, and very serious reflection upon the consequences of them, and the difficulty of establishing regulations, which

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shall, in their progressive operation, correct them. They have a reference to the circumstances of the country at this time, independent of the question upon general principles; and I shall deem it my duty, before I leave this country, to point out more particularly the foundation of those doubts, and to declare whether I retain or renounce them. I shall only observe in this place, that although the land is a security to Government for its revenues, and although exactions and oppressions may lead to the transfer of it, from bad managers to economical substitutes, yet improvement may be long and effectually obstructed by the abuses practised, without leading to these consequences; if this were not the case, the amount of sales of land would be much greater than they are at present.

The Governor-General asks, what are those measures of which I require experience, before I can pronounce absolutely of their success? To reply to this question as fully as might be necessary would require a detail beyond what my present time allows. I shall only therefore answer, that before I commit myself to recommend the confirmation of a settlement in perpetuity, I require the experience, that it has been formed with a due attention to the prescribed instruction; considering that two of the five Collectors in Behar, taking the result of their objections, have declared the proposed settlement impracticable; and a third officer, the Acting Collector of Bauglepore, has asserted, that a ten years' settlement will confirm all existing abuses, and that as these are the agents by whom the settlement is to be formed, the expectation cannot be deemed unreasonable.

But if this were the place for discussing the perpetuity of the assessment, I should suggest another question. Whether we ought not to have some experience, that the regulations which we mean to establish, are found in practice sufficient to correct the various abuses existing, in the detail of the collections? If these regulations are generally necessary, as I suppose them to be, it is very evident that they must be enforced, before we can expect improvement from the labours of the ryots, for whose ease and security they are principally calculated. I am willing to admit, that far greater abuses prevail in the detail of the collections in Bengal, than in Behar; and that in the latter province, the rules for detecting and correcting them, are more easily ascertained; as far therefore, as the argument drawn from abuses applies, it is stronger, in one case than in another. In fixing the assessment upon the zemindars for

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a term of years, we remove one temptation to oppression; but the prosperity of the country must no less depend upon the energy with which our regulations are enforced; and in forming a judgment from past experience, we may be allowed to entertain very justifiable apprehension, that, from a want of knowing sufficiently existing abuses, we may be under the necessity of correcting them in future by new rules, which may either affect the revenues of Government, or the stipulations of the zemindars. It is upon such considerations that my doubts arise. They have no reference to future inquisitions into the value of zemindary estates, which, as far as the amount of the assessment is concerned, I deem in general, sufficiently ascertained.

The confirmation of a perpetual assessment, is a very serious consideration. I am not sure that in authorizing the settlement made by Mr. Law, we have not given sanction to an act of injustice, in perpetuating the exclusion of the proprietors of the soils, for their refusal to agree to the terms of the proposed settlement; but upon this, as well as the whole of this plan, I mean carefully to revise the opinions which I have recorded, and state what further occurs to me upon the subject.

Under the various circumstances which I have detailed, I cannot but adhere to my opinion regarding the declaration; and if it should with any produce effect that, the non-confirmation of it, will be attended with this consequence, that it will shake the confidence of the natives, at the very time when it begins to operate. I cannot agree with the Governor-General, that these provinces, if let upon a lease of ten years only, will be found in a depopulated state; or, that more difficulties will then be experienced, than even this Government have had to encounter; nor, that this inference can be established upon any other principle, than by proving that a permanency of ten years, to those who have subsisted upon annual expedience is destructive.

With respect to the early periods of the decennial assessment, as far as the four or five first years, I think every advantage will be gained, which would be derived from a declared mokurrery; and at that period, if a perpetuity is to be established, it may be declared. I do not believe the zemindars would offer more at this time, under one declaration than another; and if so, no advantage would arise to the Government in this respect. I do not see the utility of the conditional declaration in any sense, and if it be resolved upon, I think it should

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succeed. not precede, the formation of the settlement, and under certain limitations that the zemindars fulfil their engagements, and comply with the regulations prescribed. If it be capable of producing any advantage, it will equally follow from this mode, as from a previous declaration; and if the Court of Directors should finally determine to confirm the settlement in perpetuity, the fourth or fifth year will be fully time enough, and they will then have before them those documents and illustrations which they require, with the advantage of knowing the progress of the assessments for two or three years.

If the declaration be made at all, either now or subsequent to the formation of the settlement, the Court of Directors, if they should not approve it, are bound to declare their disapprobation of it.

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APPENDIX C.

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The Select Committee appointed to enquire into the present state of the affairs of the East India Company, and to report the same, as it shall appear to them, with their observations thereupon, to the House ;—Have, pursuant to the Order of the House, examined the matter to them referred ; and have agreed upon the following Report :

Your Committee, having in their former Reports adverted to the extensive establishments for the internal administration of India, as bearing with considerable weight upon the revenue, and having in a great degree, contributed to affect the expectations of an abundant surplus, have felt it a part of their duty to offer some account of the nature and history of those establishments, and of the circumstances under which they have been augmented to their present scale ; trusting that such an account will be acceptable to the House, not only as showing the importance and utility of the establishments themselves, to the welfare and order of the country, but as evincing the unremitting anxiety that has influenced the efforts of those to whom the Government of our Indian possessions has been consigned to establish a system of administration best calculated to promote the confidence and conciliate the feelings of the native inhabitants, not less by a respect for their own institutions, than by the endeavour gradually to engraft upon them such improvements, as might shield under the safeguard of equal law, every class of the people from the oppressions of power, and communicate to them that sense of protection and assurance of justice, which is the efficient spring of all public prosperity and happiness.

These establishments divide themselves into Political, Military, Revenue, and Judicial. The Political Establishments appear to be sufficiently described by the regulations in the Act of 1793, to supersede the necessity of entering into any detailed discussion, on the subject of them : while the nature of those in the Military Department, as well as the causes of their increase, have been explained in the

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Second Report of this Committee. It is therefore the intention of your Committee at present, exclusively to confine themselves to the establishments connected with the Revenue and Judicial Deparments of the service.

Your Committee will, in the first place submit to the attention of the House those under the BENGAL PRESIDENCY ; and, for the sake of greater distinctness, propose to divide their Report on this branch of the general subject, into the three following heads :

I.—A Summary of the different systems introduced for the management of the revenues, and the administration of justice in the East India Company's territorial possessions, noting the successive modifications they have undergone since the acquisition of the Dewanny in 1765 to the year 1786, when the affairs of British India having been under the view of Parliament, the Directors, in conformity to the requisitions of the Act 1784, transmitted order to the Supreme Government in India for enquiry to be made into the condition of the land-holders and other inhabitants residing under their authority, and for the establishment of permanent rules for the settlement and collection of the revenue and the administration of justice, founded on the ancient laws and local usages of the country.

II.—The measures pursued in consequence of the foregoing orders, which led to a settlement of the land-revenue in perpetuity, and to a code of regulations for the guidance of the Courts of Justice formed and established during the Government of the late Marquis Cornwallis.

III.—An Inquiry into the practical effects of the revenue and judicial systems established by the Marquis Cornwallis, in order to ascertain whether they have in any respects, proved inadequate or defective ; whether means have been used to remedy those defects and supply those deficiencies ; and whether any, and if any, what further measures may appear necessary for the accomplishment of the professed objects both of the Company and the Legislature, in respect to the subjects of our Indian Empire.

I.

A SUMMARY OF THE DIFFERENT SYSTEMS OF GOVERNMENT ANTECEDENT TO 1784.

The Dewanny authority over the provinces of Bengal, Bahar and

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Orissa, was conferred in perpetuity on the East India Company, by a firmaun or royal grant in August 1765. The Nawab of Bengal, NUJUM-OOL-DOWLAH, had already, as the condition of his succeeding to the musnud, on the decease of his father JAFFIER KHAN, agreed to entrust the administration of the subahdarry to the management of a naib or deputy appointed by the advice of the Governor in Council. By a further agreement, dated 30th September 1765, the Nawab recognized the grant of the Dewanny to the Company, and consented to accept a fixed stipend for the maintenance of himself and his household. Whatever further expense, within certain limits, might be found necessary for the support of the dignity of the nizamut, was to be disbursed through the deputy chosen by the English Government.

In the following year, the President of the Council of Fort William (Lord Clive) took his place as Dewan, or Collector of the revenue, for the Mogul, and in concert with the Nawab, who sat as nazim, opened the *pooneah*, or ceremonial of commencing the annual Collections in Durbar, held at Mootygheel, near Moorshedabad. From this time, the functions of nazim, as well as of Dewan, were ostensibly exercised by the British Government, the latter, in virtue of the grant from the Emperor, and the former, through the influence possessed over the naib or deputy; the Nawab nazim himself having submitted to become virtually a pensioner of the State.

But though the Civil and Military power of the country, and the resources for maintaining it, were assumed on the part of the East India Company, it was not thought prudent, either by the local Government, or the directors, to vest the immediate management of the revenue, or the administration of justice, in the European servants. It may indeed appear doubtful whether the European servants at this time, generally possessed sufficient knowledge of the civil institutions and the interior state of the country, to qualify them for the trust. A resident at the Nawab's Court, who inspected the management of the naib dewan, and the Chief of Patna, who superintended the collections of the province of Behar, under the immediate management of Shetab Roy, maintained an imperfect control over the civil administration of the districts included in the Dewanny grant; while the zemindary lands of Calcutta, and the 24-Pergunnahs, and the Ceded districts of Burdwan, Midnapore and Chittagong, which at an earlier period, had been obtained by special.

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grant from the Nawab of Bengal, were superintended by the covenanted servants of the Company.

In 1769, Supervisors were appointed with powers of superintending the native officers employed in collecting the revenue of administering justice, in different parts of the country; and Councils with superior authority, were in the following year, established at Moorshedabad and Patna. The Supervisors were furnished with detailed instructions for obtaining a summary history of the provinces; the state, produce, and capacity of the lands; the amount of the revenues; the cesses or arbitrary taxes; and of all demands whatsoever which are made on the cultivators; the manner of collecting them; and the gradual rise of every new impost; the regulations of commerce, and the administration of justice.

The information communicated to the directors in consequence of these enquiries, represent the internal Government in a state of disorder, and the people suffering great oppression. These evils were imputed to the nature of the former administration. It is observed that "the Nizams exacted what they could from the "zemindars and great farmers of the revenue, whom they left at "liberty to plunder all below, reserving to themselves the preroga-"tive of plundering them in their turn, when they were supposed "to have enriched themselves with the spoils of the country.!' The whole system thus resolved itself, on the part of the public officers, into habitual extortion and injustice, which produced on that of the cultivator, the natural consequences, concealment and evasion, by which Government was defrauded of a considerable part of its just demands.

With respect to the administration of justice, "the regular course "was everywhere suspended; but every man exercised it, who had "the power of compelling others, to submit to his decisions."

Seven years had elapsed from the acquisition of the Dewanny, without the Government deeming itself competent to remedy these defects; when in 1772, authority was conveyed to the President and Council of Fort William, which enabled them to introduce a system of reform. This was, the notification of a resolution which the Court of Directors had come to, "to stand forth as Dewan, and by the "agency of the Company's servants to take upon themselves the "entire care and management of the revenues."

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In pursuance of the orders received on this occasion, the office of naib dewan was abolished, and the efficient administration of the internal Government committed to British agency. A Committee, consisting of the Governor (Mr. Hastings) and four members of the Council, proposed a plan for the management of the revenue and the administration of justice in the provinces, and for the regulation and conduct of the public affairs at the presidency.

By the adoption of the plan proposed by the Committee, the institutions of the internal Government stood as follows :

1st. In the Revenue Department at the presidency, a Board of Revenue, consisting of the president and members of Council—an Accountant General with Assistants. The Khalsa or exchequer and the Treasury were removed from Moorshedabad to Calcutta, to the former of which, native officers were appointed, in number and quality, suitable to the voluminous and important business appertaining to it, which consisted of accounts and correspondence, both in abstract and detail, of every transaction of importance relating to the settlement and collection of the revenue in each district, agreeably to the principles established and forms observed, by the Mohamedan Government. In respect to the provinces, it was resolved, that " the Company having determined to stand forth as " Dewan," the Supervisors should now be designated Collectors, with whom a native officer, chosen by the Board, and styled Dewan, should be joined in the superintendence of the revenue. With respect to the revenue, a settlement for a term of five years was adopted ; and the four junior members of the Committee above mentioned, proceeded on a Circuit through the provinces, with powers to carry into execution the purpose of this decision.

2nd. Under the regulations framed for the Judicial Department, were instituted two Courts for each provincial division or Collectorship ; " one by the name of Dewanny or Civil Court, for the " cognizance of civil causes ; the other named Foujedary or Criminal " Court, for the trial of crimes and misdemeanors." Over the Civil Court the Collector presided, on the part of the Company, in their quality of king's Dewan, attended by the provincial native Dewan, and the other officers of the Collector's Court. To this jurisdiction were referred, all disputes concerning property, real or personal ; all causes of inheritance, marriage, and caste ; all claims

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of debt, disputed accounts, contracts, partnerships, and demands of rent; but to facilitate the course of justice in trivial cases, all disputes of property not exceeding ten rupees were cognizable by the head farmer of the purgunnah to which the parties belonged, whose decision was to be final. In the Criminal Court, the cauzy and moofty of the district and two moolavies sat to expound the Mahomedan law, and to determine how far delinquents were guilty of its violation. But it was the Collector's duty to attend to the proceedings of this Court, so far as to see that all necessary evidences were summoned, and examined, and that the decision passed was fair and impartial. Appeals from these decisions, were allowed to two superior Courts established at the chief seat of Government; one, under the denomination of Dewanny Sudder Adawlut or Chief Court of Civil Judicature; the other, the Nizamut Sudder Adawlut or Chief Court of Criminal Justice. The former, consisted of the president and members of Council, assisted by the native officers of the khalsa or exchequer; and in the latter, a chief officer of Justice presided, appointed on the part of the nazim, assisted by the head cauzy and moofty, and three eminent moolavies. These officers were to revise the proceedings of the superior Courts; and in capital cases, to prepare the sentence for the warrant of the nazim. Over this Court, a control was vested in the president and Council, similar to what was exercised by the Collectors in the provinces, in order that the Company's administration, in the character of king's Dewan, might be satisfied that justice, so essential to the welfare and safety of the country, was not perverted by partiality or tainted by corruption.

The superintendence and control over the administration of Criminal Justice, was by the Government particularly entrusted to the president, Mr. HASTINGS; who, at the end of eighteen months finding the duty too heavy and the responsibility too dangerous, desired to relinquish his trust; and the Court of Nizamut Adawlut was in consequence, removed back to Moorshedabad, and placed under the superintendence of Mahomed Reza Khan, who at the recommendation of the Governor and Council, was appointed naib nazim. In the course of his exercising the above functions, it appears that Mr. HASTINGS recommended, and with the concurrence of his Council, introduced a new plan of Police. The Collectors and Aumils (or native Superintendents) had acted as Magistrates; but on the recall

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of the former, native officers, styled foujedars, were appointed to the fourteen districts or local jurisdictions into which Bengal was divided with an appropriate number of armed men, for the protection of the inhabitants, the detection and apprehen sion of public robbers, and for the transmission of intelligence to the presidency, of matters relating to the peace of the country.

The Regulations framed for the guidance of the officers employed in the Revenue and Judicial Depa rtments, which at this time, were printed and promulgated in the langu ages of the country, manifest a diligence of research, and desire to improve the condition of the inhabitants, by abolishing many grievous imposts, and prohibiting many injurious practices, which had prevailed under the Native Government ;—and thus, the first important step appears to have been now made, towards those principles of equitable Government, which it is presumable the directors always had it in view to establish, and which, in subsequent institutions, have been more successfully accomplished.

But the effect of the new arrangements on the Department of the Revenue, proved less favourable than was expected. The settlement of five years had been concluded under general instructions from the directors, which required that the Government "should not, by any "sudden change, alter the constitution or deprive the zemindars, &c., "of their ancient privileges and immunities." After due consideration of the different modes which, consistently with these orders, might be adopted, the Government ga ve the preference to the farming system, under which they received offers for each pergunnah, whether made by the land-holders, or by speculators and adventurers ; and those of the highest bidders were accepted, and engagements entered into with them. At the period this settlement was resorted to, the country was slowly recovering from the effects of a dreadful famine, which desolated the country, and destroyed one-third of its population. Whether, owing to the bidders at the settlement having been inattentive to this circumstance, or imprudently led on by the eagerness of competitions to make higher offers than the country could bear, many of them soon failed in the performance of their engagements, and defalcations in realizing the revenue under the five years' settlement, occurred to a considerable amount. The little success that attended this settlement, combined with other motives,

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induced a change of system in 1774, and the European Collectors were recalled from the provinces, and native aumils substituted in their stead.

The superintendence of the collections was now vested in provincial Councils, established for the six principal districts into which the country was divided and stationed at Calcutta, Burdwan, Dacca Moorshedabad, Dinagepore, and Patna.

The administration of Civil Justice which had been entrusted to the Collector, was on the same principle, trasferred to the aumil, from whom an appeal, in all cases, lay to the provincial Council, of the division in which he was posted ; and from the provincial Council, an appeal lay, under certain restrictions, to the Sudder Dewanny Court, or the Governor in Council. The Police, which had been entrusted to the Collectors, was vested in native officers styled *foujedars*, appointed by the naib nazim, whose functions and office in the Department of criminal Justice, were now revived at Moorshedabad.

The foregoing arrangement for the administration of justice continued in force, without any material alteration, until the year 1780. But in the Department of the Revenue, when the settlement, which had been made in 1772 for five years, approached its termination preparations became necessary, for the formation of a new one. On this occasion, the Governor-General observed, "in whatever manner it may be hereafter determined to form the new settlement of the province, after the expiration of the present leases, it will be equally necessary, to be previously furnished with the accurate state of the real nature of the land, as the grounds on which it is to be formed. To obtain these, will be the work of much official knowledge, much management, and unremitting labour, in compiling and collecting the accounts of the past collections, in digesting the materials which may be furnished by the provincial Councils and Dewans, in issuing orders for special accounts, and other materials of information, and in deputing native officers on occasional investigations. The Government accordingly instituted a temporary office for these special purposes. It consisted of three of the most experienced civil servants, armed with authority to select and depute native agents (aumeens) into each district, for the purpose of entering on a minute local scrutiny of the accounts kept in each village, and of whatever else might best

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enable them, to procure the most exact information of the real produce or value of the lands.

In 1777, the aumeens were required to repair, with the information they had obtained, to each of the provincial Councils in succession, to whom orders and instructions were issued for forming a new settlement. The lands, on the former settlement, appear to have been let to the highest bidder, on his producing security for the amount of the rent. A preference was now to be given to the zemindar, if he consented to engage for the amount of the former settlement, or for such an amount, as the provincial Council might deem reasonable; and instead of producing security, it was provided by a stipulation to be inserted in his written engagement, that his lands, in case of failure in payment, should be held liable to sale, to realize the outstanding balance.

On the same principles, and by the same agency, the settlement of the districts was made annually during the following three years 1778, 1779, and 1780; but the average produce of this period under European Superintendents, appears to have fallen short of what it had been, when entrusted to native agency. On this account, combined probably with other causes, a change in the management was determined upon by the Supreme Government; and a new plan accordingly introduced on the 20th of February 1781. The Government stated, that the system lately followed had been only meant as an experiment, to lead by a gradual change, to one of more permanency.

By the new plan, the provincial Councils were abolished, and all the collections of the provinces proposed to be brought down gradually to the presidency, to be there administered by five of the most able and experienced of the Civil servants, under the designation of a Committee of revenue, "to be under the immediate "inspection of, and with the opportunity of instant reference for "instruction to, the Governor-General in Council." Though the provincial Councils were withdrawn, the president of each was to remain officiating as Collector under the Committee of revenue, until further orders, as likewise were the Collectors who had been separately stationed in some of the frontier and least civilized districts. The native record office, with some modification, was placed under the Committee. A Commission on the revenue realized,

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was allowed and distributed among the members of the Committee; and the European officers attached to it, who were bound by oath, to restrict themselves to the avowed official allowances.

Immediately after their entrance into office, the Committee submitted to the Government a plan for the formation of a new settlement of the revenue. The principle on which this proceeded, does not appear essentially to differ from the rules for the settlement before laid down. The preference was to be given to the zemindars in all cases, where they should agree to the amount of the assessment demanded, and where there appeared no valid objection from minority or notorious incapacity, or any other cause. The amount of the assessment, it was presumed, might be fixed on reasonable grounds, from the experience of former years, joined with the information gained by the recent deputation of aumeens. The settlement was to be for one year only, with an assurance that in instances where the revenue was regularly discharged, the same person should have the option of continuance on the same assessment.

To these propositions the Government assented, but with the exception of entrusting the formation of the settlement to the Collectors and the native agents of Government, in all cases where the Committee could not execute that service themselves; deeming it an official inconsistency, that he who was to collect under the settlement, should have any part, in the formation of it. The Committee was therefore required to make the settlement by deputation on the spot, subject to the final decision of the Government, in all cases where they could not themselves conclude it; and they were directed at the same time, to encourage the practice of paying the rents into the khalsa at the presidency, instead of the provincial treasuries.

In the month of November following, the Committee of Revenue reported to the Government, the settlement they had made for the current year's revenue throughout the districts of Bengal; those of Bahar had been already settled by the Board of Revenue, previously to the entrance of the new formed Committee in the exercise of their functions. The general rules for their guidance had been observed, and an increase of more than 26 lakhs of rupees effected on the former jumma. It was stated that the occupancy of the lands, and the management of the collections, had in general been preserved to the zemindars and talookdars; and where

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the reverse had taken place, the cause would be found recorded on the official proceedings.

A short time previous to these new arrangements being made in the Department of the Revenue, an alteration took place in the constitution of the Dewanny Adawlut, by the establishment in each of the six grand provincial divisions of a Court of Justice, distinct from, and independent of, the revenue Council. Over this Court, presided a covenanted servant styled *Superintendent of Dewanny Adawlut,* whose jurisdiction extended over all claims of inheritance to zemindaries, talookdaries, or other real property or mercantile disputes; all matters of personal property, with the exception of what was reserved to the jurisdiction of the provincial Councils, which were to decide as heretofore, on all causes, having relation to the public revenue as well as on all demands of individuals for arrears of rent, and on all complaints from tenants and cultivators, of undue exaction of revenue by the officers of Government or others.

These institutions were introduced in April 1780; and in the October following, the attendance in the Sudder-Dewanny Adawlut, having been found incompatible with the other duties of the Governor and Council, it was determined that a separate Judge (Sir Elija Impey), should be appointed to the charge and superintendence of that Court; and on the 3rd November, thirteen articles of regulations, prepared by the Judge and approved by Government were passed, for the guidance of the civil Courts, which were afterwards incorporated with additions and amendments, in a revised code, comprising ninety-five articles of regulations, the declared objects of which were "the explaining such rules, orders and regulations, as may be ambiguous, and revoking such as may be repugnant or obsolete; to the end that one consistent code be framed therefrom, and one general table of fees established in and throughout the said Courts of Mofussil-Dewanny Adawlut, by which a general conformity may be maintained in the proceedings, practice and decisions of the several Courts, and that the inhabitants of these countries may not only know to what Courts, and on what occasions, they may apply for justice, but seeing the rules, ordinances and regulations, to which the Judges are by oath bound invariably to adhere, they may have confidence in the said Courts,

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and may be apprized on what occasions it may be advisable to appeal from the Courts of Mofusil-Dewanny Adawlut to the Court of Sudder-Dewanny Adawlut, and knowing the utmost of the costs which may be incurred in their suits may not, from apprehension of being involved in exorbitant and unforeseen expenses, or of being subjected to frauds or extortion of the officers of the Courts, be deterred from prosecuting their just claims."

Under these regulations, which were printed with translations in the Persian and Bengal languages, for general information, and which constitute the principal foundation of the rules now in force, relative to the administration of civil justice, all civil causes, as before described, were made cognizable, as heretofore, by distinct Courts of Dewanny Adawlut, which on the 6th April preceding, had been augmented to the number of eighteen, consequence of inconvenience experienced from the too extensive jurisdiction of the six before instituted. The Judges, thus constituted and appointed, were wholly unconnected with the Revenue Department, except in the four frontier Districts of Chittra, Bauglepore, Islamabad and Rungpore, where, for local reasons, the offices of Judge and Collector were vested in the same person, but with a provision that the judicial authority should be considered, distinct from and independent of, the Board of Revenue.

On the 6th April 1781, the establishment of Foujdars and Tannadars, introduced in 1774, which had not been found to produce the good effects proposed by its institution, was abolished; and the Judges of the Court of Dewanny Adawlut, were invested with the power as Magistrates, of apprehending dacoits (a species of depredators who infest "the country in gangs) and persons charged with the Commission of "any crime or acts of violence, within their respective jurisdictions." They were not however to try or punish such persons; but "were to send them immediately to the Daroga of the nearest Foujdary, with a charge in writing, setting forth the grounds on which they had been apprehended. Provision was at the same time, made for cases where, by especial permission of the Governor-General and Council, certain zemindars might be invested with such part of the Police jurisdiction as they formerly exercised under the ancient Mogul Government." In such cases, the European Collector in his capacity of Magistrate,

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the Daroga of the Nizamut Adawlut, and the Zamindar, were to exercise a concurrent authority for the apprehension of robbers and all disturbers of the public peace.

The better to enable the Government to observe the effects of the regulations thus introduced, and to watch over the general administration of criminal justice throughout the provinces, a separate department was established at the presidency under the immediate control of the Governor-General, to which were to be transmitted monthly reports of proceedings, and lists of prisoners apprehended and convicted by the respective authorities throughout the provinces. To arrange these records, and to maintain a check on all persons entrusted with the administration of criminal justice, an officer was appointed to act under the Governor-General, with the title of *Remembrancer of the criminal courts.*

In November 1782, in pursuance of instructions from the Court of Directors, the superintendence of the Sudder-Dewany Adawlut was resumed by the Governor-General and Council; and it was declared, that, agreeably to the 21st Geo. III this Court was constituted a Court of record, and its judgments to be final, except in appeal to the king in civil suits only, the value of which should be £5,000 and upwards.

Your Committee have brought the foregoing summary of the different systems of internal arrangement adopted for the East India Company's territorial possessions in Bengal, down to that period, when the state of their affairs was before Parliament, and when by an Act of the Legislature, the Company were commanded to institute an enquiry into the complaints which had prevailed, "that divers Rajahs, Zamindars, and "other land-holders within the British territories in India, had been unjustly deprived of, or compelled to relinquish or abandon their respective lands, or that the rents, tributes, or services required of them had become oppressive." These grievances, if founded on truth, were to be effectually redressed and permanent rules established on principles of moderation and

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justice, by which their rents and tributes should be demanded and collected in future."

Your Committee deem it inexpedient to load the Appendix with the voluminous documents to which they have had occasion to refer. Most of them will be found annexed to the reports of former Committees of this House ; and the substance of most of the remainder, make a part of the institutions and rules still in force, which are to be mentioned in the sequel.

An attentive consideration of the information which these documents afford, has led your Committee to believe, that the administration of the British Government proved at an early period of its introduction, beneficial to the natives of India residing under its protection. By the superiority of the British arms they became at once secured from the calamities frequently experienced in successive invasions of the Mahrattas. Internal commotion was by the same cause, entirely prevented ; and if their condition was not sooner brought to that state of improvement, which the character of the nation under whose dominion they had fallen, afforded reason to expect, the delay may be satisfactorily accounted for, on grounds that will free those who were immediately responsible from any charge of negligence or misconduct. On this subject, your Committee deem the observations of Mr. Shore (now Lord Teignmouth) so applicable, and of so high authority, as to be worthy of quotation from a Minute on the proceedings of the Government of Bengal, recorded on the 10th February 1790 :—" A period of "twenty-eight years has now elapsed, since the Company first acquired " a right to the revenues of any considerable part of the provinces, and "of twenty-four years only, since the transfer of the whole in perpetuity, " was regularly made by the grant of the Dewanny. When we con- " sider the nature and magnitude of this acquisition, the characters of " the people placed under our dominion, their difference of language " and dissimilarity of manners, that we entered upon the administra- " tion of the Government, ignorant of its former constitution, and with " little practical experience in Asiatic finance ; it will not be deemed " surprising that we should have fallen into errors ; or if any should " at this time require correction.

" The Mogul dominion, in the best times, and under the wisest " princes, was a Government of discretion. The safety of the people,

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" the security of their property, and the prosperity of the country " depended upon the personal character of the monarch. By this " standard, his delegates regulated their own demeanor; in proportion " as he was wise, just, vigilant, and humane, the provincial viceroys " discharged their respective trusts with zeal and fidelity, and as they " possessed or wanted the recited qualifications, the inferior agents con- " ducted themselves with more or less diligence and honesty. A weak " monarch and corrupt minister encouraged and produced every kind " of disorder; for there was no law paramount to the sovereign's will. " Few of the officers of Government were liberally paid; and property " was left to accumulate, from breach of trust, abused patronage, per- " verted justice, or unrestrained oppression. This description I con- " ceive to be *applicable to all* Mahomedan Governments, where practice " is for ever in opposition to theory of morals, and a few remarkable " instances of distinguished virtue or forbearance form exceptions, " which deduct little from the universality of the remark.

" Long before our acquisition of the Dewanny, the vigour of the " empire had been irrevocably weakened; and its institutions, as far as " they can be traced in the ordinances and practice of its best princes, " had been violated. The agents of the Company, when they obtained " the grant, had no other guide for their instruction than the measures " of a provincial administration, which had assumed an independency " of the empire, and had long ceased to act according to its laws.

" If we further consider the form of the British Government in " India, we shall find it ill calculated for the speedy introduction of " improvement. The members composing it, are in a constant state of " fluctuation; and the period of their residence often expires, before " experience can be acquired or reduced to practice. Official forms " necessarily occupy a large portion of time, and the constant pressure " of business leaves little leisure for study and reflection, without " which, no knowledge of the principles and detail of the revenues of " this country can be obtained. True information is also procured " with difficulty; because it is too often derived from mere practice, " instead of being deduced from fixed principles. Every man who " has long been employed in the management of the revenues of " Bengal, will, if candid, allow, that his opinion on many important " points has been often varied, and that the information of one year, " has been rendered dubious by the experience, of another; still in

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"all cases, decision is necessary; and hence precedents, formed on "partial circumstances, and perhaps on erroneous principles, become "established rules of conduct; for a prudent man, when doubtful, "will be happy to avail himself of the authority of example. The "multiplication of records, which ought to be a great advantage, is in "fact, an inconvenience of extensive magnitude; for in them, only the "experience of others can be traced, and reference requires much "time and labour."

Your Committee have no reason to suppose, that the intricacy of the subject which the Company's agents had to make themselves acquainted with, is overrated in the foregoing passage, or that in framing new rules of Government, and introducing reforms of the rules already in force, the risk of committing error was less, than the author of that passage has stated; but from what is to be observed in the correspondence from home, and on the records abroad, your Committee entertain a confident belief that from time to time, important measures were recommended, and successfully introduced, for the improvement of the internal Government, and the amelioration of the condition of the inhabitants at large. The information drawn from the Reports of the Supervisors appointed in 1769, and of the Court of Circuit in 1772, developed the errors of a false and injurious policy, which had prevailed under the native Government, as well as practices of pernicious tendency which had crept into the administration of it, subsequently to the subversion of the Mogul dominion. The principal of these, as they affected the Department of the Revenue, appear to have been noticed and abolished, in the regulations passed upon the formation of the five years settlement. By the rules then established all *nuzzers* or *salamies* (free gifts) which had been usually presented on the first interview, as marks of subjection and respect were required to be totally discontinued, not only to the superior servants of the Company and the Collectors, but to the zemindars and other officers; new taxes, under any pretence whatever, were prohibited; the Revenue Officers were forbidden to hold farms, under pain of dismissal; zemindary barriers, erected for the collection of road duties, were abolished, and such only continued, as belonged to the collection of the established revenue. This regulation, as far as related to the unavowed emoluments of the Company's servants, and others, does not appear to have been effectual.

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With respect to the civil judicature at this time, it may be observed, that although the institutions and rules for this department were framed by persons who had not the advantage of professional experience, the improvement introduced into the system which had prevailed under the native Government cannot but be evident, on reference to a description of the latter, which is given in the Report of a former Committee of this House, in the following words: that "so "far as the Committee were able to judge from all the information laid "before them, the subjects of Mogul empire in that province derived "little protection or security from any of these Courts of Adawlut; "and in general, though forms of judicature were established and "preserved, the despotic principles of the Government rendered them "the instruments of power rather than of justice, not only unavail-"ing to protect the people, but often the means of the most grievous "oppressions under the cloak of the judicial character." The Committee further stated it to be the general sense of all the accounts they had received respecting these Courts, "that the administration of "justice during the vigour of the ancient constitution was liable to "great abuse and oppression, that the Judges generally lay under the "influence of interest, and often under that of corruption; and that "the interposition of Government, from motives of favour and displea-"sure, was another frequent cause of the perversion of justice."

The custom of levying as Commission, the fourth part of the value decreed, as well as all other similar fees, on the decision of suits, and all arbitrary fines, were for ever abolished; the legal distinctions in favour of Mahomedans and prejudicial to the Hindoos, were no longer to be attended to; and it was provided, that in all suits regarding marriage, caste, and all other religious usages or institutions, the laws of the koran with respect to Mahomedans, and those of the shaster with respect to Hindoos, should be invariably adhered to. On all such occasions, the Moolavy or Brahmin, respectively attended to expound the law, to sign the report, and to assist in passing the decree. The rules subsequently introduced in 1781 had the advantage of being framed by professional talents, and, as before observed, are the foundation of those still in use.

In the administration of criminal justice, and in the department of the Police, much depravity was at an early period eradicated; and many salutary reforms introduced. The President and Council

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of Fort William saw the necessity of their interference to control the sentences of the Mahomedan Judges; and where the sentences of the law founded on the koran, appeared repugnant to the principles of good Government and natural justice, to apply such a remedy as the case might require.

But though much good had been effected, much yet remained to be done, before the institutions of the Government and the condition of the people, could be raised near enough to that standard, which might satisfy the enlarged views of such as had formed their opinions, on the principles and practice of European states; and accordingly, in the Session of 1784, the Parliament passed the Act of the 24th of his present Majesty, "for the better regulation and management of the "affairs of the East India Company;" by the 39th section of which, the East India Company was commanded "to inquire into the alleged "grievances of the land-holders, and if founded in truth to afford "them redress, and to establish permanent rules for the settlement "and collection of the revenue, and for the administration of justice, "founded on the ancient laws and local usages of the country."

II

ON THE REFORMS INTRODUCED BY EARL CORNWALLIS.

Your Committee will next proceed to state the measures, which, in pursuance of the requisitions of Parliament, were adopted, to inquire into the condition of the land-holders, with a view of redressing their alleged grievances, and to establish permanent rules for the internal Government of the provinces.

The person selected to superintend and direct these important measures, was the late MARQUIS CORNWALLIS, who proceeded to India in 1786. His Lordship was furnished with instructions from the Court of Directors, in a letter addressed to the Governor-General and Council, dated 12th April 1786. As a reference to this letter, may account for many considerable alterations which have since been made in the system of the internal management of the Company's territorial possessions, and in particular, for the introduction of a permanent settlement of the land-revenue, afterwards rendered perpetual: the Committee think it may be proper to notice such parts of it, as relate especially to that measure, and to the code of regulations subsequently established. The disapprobation of the Court had been excited by the frequent changes which had marked the financial

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system of their Government in Bengal; and they expressed their preference of a steady adherence to almost any one system, attended with watchful superintendence. They censured the ineffectual attempts that had been made to increase the assessment of revenue, whereby the zemindars (or hereditary superintendents of the land) had been taxed, to make room for the introduction of farmers, sezawuls, and aumeens, who having no permanent interest in the lands, had drained the country of its resources. They disapproved the recently established, which prohibited the Collector from having any concern in the formation of the settlement of his district; and noticed the heavy arrears outstanding on the settlement of the last four years, which had been formed under the immediate direction of the Committee of revenue; and expressed their opinion, that the most likely means of avoiding such defalcations in future, would be, by introducing a permanent settlement of a revenue, estimated in its amount on reasonable principles, for the due payment of which, the hereditary tenure of the possessor would be the best, and in general, the only necessary security. They therefore directed, that the settlement should be made in all practicable instances, with the zemindar; and that in cases of his established incapacity for the trust, a preference should be given to a relation or agent, over a farmer. They apprehended the design of the legislature was to declare general principles of conduct; and not to introduce any novel system, or to destroy those rules and maxims of policy which prevailed in well regulated periods of the native Government. With respect to the amount of the assessment, the directors were of opinion, that the information already obtained might be sufficient to enable their Government in Bengal to fix it, without having recourse to minute local scrutinies and they suggested the average of former year's collections, to be the guide on the present occasion; and on this point, concluded their instructions with remarking, that "a moderate jumma, or assesment "regularly and punctually collected, unites the consideration of our "interest with the happiness of the natives and security of the land-"holders, more rationally, than any imperfect collection of an "exaggerated jumma, to be enforced with severity and vexation." Though the amount when determined, and on reference approved by themselves, the directors intended should be considered as the permanent and unalterable revenue of their territorial possessions in

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Bengal; yet for special reasons, they desired that the present settlement might be concluded, for the term of ten years only. In making choice of the persons with whom to conclude the settlement, they desired the clause of the Act 1784, in favour of the land-holders, might be attended to; and that in the point in question, as well as in every other particular, "the humane intention of the legislature towards the native land-holders might be strictly fulfilled." With a view to the greater precision in effecting these objects, they recommended, that it might, as far as possible, be ascertained, what were the rights and privileges of the zemindars and other land-holders, under the institutions of the Mogul or the Hindoo Government, and the services they were bound to perform.

On proposing a plan for the Civil administration of justice among the natives, the directors stated, that they had been actuated by the necesstiy of accommodating "their views and interests to the "subsisting manners and usages of the people, rather than by any "abstract theories drawn from other countries, or applicable to a "different state of things;" and on these principles, they ordered, that the superintendence of the Courts of Dewanny Adawlut should be vested in the Collectors of the revenue; who were also to have the power of apprehending offenders against the public peace, but their trial and punishment was still to be left with the established officers under the Mahomedan judicature, who were not to be interfered with, beyond what the influence of the British Government, might effect through occasional recommendations of forbearance as to inflict any punishment of a cruel nature.

On the arrival in India of Lord Cornwallis with the foregoing orders, it was not found that the Government possessed information sufficient to enable his lordship to proceed, at once, to so important a step as the conclusion of a settlement of land-revenue, for a period of ten years, with a view to perpetuity; constituting, as it did, the principal financial resource of Government. Much was yet to be ascertained with respect to the ancient laws and local usages of the country; the nature of the land-tenure was yet imperfectly understood, and the relative situation and condition of the natives concerned in the production of the revenue, had not been fully explained. These several points, it was necessary should be enquired into, before decisive measures could be taken for fulfilling the inten-

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tion of the legislature, and the orders of the directors, by establishing permanent regulations of internal policy. His lordship therefore determined to continue for a time, the practice of annual settlements for the different districts, through the agency of the Collectors, superintended by the revenue Committee; while interrogatories were issued to the most experienced of the civil servants, and other practicable means resorted to, by which requisite information might be obtained. The revenue and judicial institutions were, however, immediately revised and regulated, in conformity to the directions from home. The Committee of reveune, had already changed its designation to that of, the Board of Revenue. Its authority and functions were continued, subject to some little variation in the rules prescribed for its guidance. The European civil servants also superintending the several districts into which the country was divided, were, each of them, vested with the powers of Collector, Judge and Magistrate; in which several capacities, their authority was to be exercised. and their proceedings kept distinct; except that all judicial proceedings relative to the collection of the revenue, were to be considered appertaining, as heretofore, to the office of Collector. In proposing this union of different authorities in the same person the Court of Directors were influenced by the consideration of its having "a tendency to simplicity, energy, justice and economy:" and the India Government, in promulgating their orders on the subject, did not omit to remind the officers selected for this purpose, of the great importance of the trust, and of the good they might have it in their power to dispense, in proportion as they acquitted themselves with diligence and integrity, not confining themselves to a literal and languid discharge of official duties, by directing their attention, with zeal and activity towards the accomplishment of whatever, in the course of their management, might be found calculated to promote the interests of the Government, the prosperity of the country, or the happiness of individuals placed under their authority.

For the administration of justice in the cities of Moorshedabad, Dacca, and Patna, distinct Courts were established, superintended by a Judge and Magistrate; office of Collector not being, in these situations, necessary. From the decisions of the provincial Courts of justice, appeals were allowed, within certain limits, to the Governor-General and Council, in their capacity of Judges of the Sudder-

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Dewanny Adawlut; and from the decisions of the Collectors, appeals were allowed, first to the Board of Revenue, and thence to the Governor-General in Council.

The administration of criminal justice remained vested in the naib nazim, or deputy of the Nabob; to whose Courts, superintended by the Mahomedan law officers, criminals apprehended by the Magistrate, were referred for trial; except on petty charges, which were to be decided on by the Collector in his capacity of Magistrate, and the punishment within certain limits, inflicted under his inspection. Towards the end of the year 1790, a very important change took place in this arrangement, founded (as it appears by the observation with which it was introduced) on the inefficacy of the different plans pursued from 1772, to the present time, arising principally from the great delay experienced in bringing offenders to justice, as well as to defects in the constitution of the criminal Courts. It was therefore declared that with a view to insure a prompt and impartial administration of the criminal law, and in order that all ranks of people might enjoy security of person and property, the Governor-General in Council had resolved to accept the superintendence of the administration of criminal justice throughout the provinces. In conformity to this resolution, the Nizamut Adawlut, or chief criminal Court of Justice, was again removed from Moorshedabad to Calcutta, to consist of the Governor-General and members of the Supreme Council, assisted by the *cauzy ul cauzaut* or head cauzy of the provinces, and two moofties. Four Courts of Circuit superintended respectively by two covenanted servants of the Company denominated Judges of the Court of Circuit, with each a cauzy and moofty to assist the Judges and expound the Mahomedan law, were at the same time, established for the trial of offences not punishable by the Magistrates. The Judges were required to hold a general jail delivery every six months, at the stations of the several Magistrates within their divisions, and to report their proceedings for the confirmation, in capital cases, of the Nizamut Adawlut in Calcutta. While one Judge was employed on the Circuit; the other was required to perform the jail delivery at the city or head station of his division. The regulations in each department of the civil and criminal judicature, and for the management of the land-revenue were revised, considerably enlarged, and printed in the English and

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native languages, for general information, with modes of appeal prescribed for the provincial authority through each subordinate Court, until, if necessary, redress might be sought before the Governor-General in Council, in whose supreme control the different authorities centered, and whose decision was final, in all cases relating to the administration of justice and internal policy among the natives, except in civil suits, wherein the amount adjudged should exceed sicca rupees 50,000 or £ sterling 5,800; which were appealable to the decision of the King in Council.

Regulations for the sayer revenue, for the opium contract, and the salt monopoly, were at this time introduced; calculated to promote the interests of the Government, as well as to ameliorate the condition of the different classes of natives to whom they were applicable. But as these will be more particularly mentioned hereafter, your Committee will now proceed to give an account of the steps taken, in the progress and conclusion of the permanent settlement of the land revenue.

The objects to which the Government directed its enquiries, as preparatory and necessary to this measure, were, the past history of the districts, and of the land-holders belonging to them; the rights of the different orders of the latter, as they were recognized under the native Government; the existing rules by which the revenue was collected, and the ancient usages, as far as they could be traced; the amount of the revenue which it would be proper, under the instructions from home, to demand from each land-holder, and the regulations which it might be necessary to establish, with a view of guarding the under-tenantry and cultivators from oppression, and of securing to them the enjoyment of their property. The information obtained on these topics is too voluminous and diffuse to be presented to the House. But your Committee is of opinion, that a Minute of Mr. Shore (now Lord Teignmouth) delivered on this occasion, should not be withheld, as it appears to them to contain information derived from experience and diligent research, in regard to the character and condition of the natives of India, the past and present state of the country, and the laws and practices of the Mogul Government; which may at all times be referred to with advantage, as an authentic and valuable record.

On a consideration of the information obtained, it appears, that

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although great disorder prevailed in the internal administration of the provinces, on the Company's accession to the Dewanny, a regular system of Government had subsisted, under the most intelligent and powerful of the Mogul Governments, in which the rights and privileges of the different orders of the people were acknowledged and secured by institutions derived from the Hindoos, which, while faithfully and vigorously administered, seemed calculated to promote the prosperity of the natives, and to secure a due realization of the revenues of the State.

As it was the opinion of some intelligent servants of the Company, that it would, in the approaching settlement, be more advisable to resort to the institutions and rules of the old Government, with which the natives were acquainted, than to proceed upon principles and rules in the administration of justice and revenue, derived from a state of society to which they were entire strangers; your Committee will proceed to explain the scheme of internal policy in the management of the land-revenue; to which it was contended by the persons above alluded to, the preference should be given.

In the extensive plains of India, a large proportion, estimated in the Company's provinces at one-third by Lord Cornwallis, at one-half by others, and by some at two-thirds, of land capable of cultivation, lies waste, and probably was never otherwise. It became therefore of importance to the native Governments, whose principal financial resource was the land-revenue, to provide, that as the population and cultivation should increase, the State might derive its proportion of advantage resulting from this progressive augmentation. Whatever might be the motive of its introduction, the rule for fixing the Government share of crop, had this tendency. This rule is traceable as a general principle, through every part of the empire which has yet come under the British dominion; and undoubtedly had its origin, in times anterior to the entry of the Mahomedans into India. By this rule, the produce of the land, whether taken in kind, or estimated in money, was understood to be shared in distinct proportions between the cultivator and the Government. The shares varied when the land was recently cleared and required extraordinary labour; but when it was fully settled and productive, the cultivator had about two-fifths, and the Government the remainder. The Government share was again divided with the zemindar and the village officers, in such

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proportion, that the zemindar retained no more than about one-tenth of this share, or little more than three-fiftieth parts of the whole; but in instances, of meritorious conduct, the deficiency was made up to him by special grants of land, denominated *nauncaur* (or subsistence.) The small portions which remained, were divided between the *mokuddim* or head cultivator of the village, who was either supposed instrumental in originally settling the village, or derived his right by inheirtance or by purchase from that transaction; and had still the charge of promoting and directing its cultivation; the *pausban* or *gorayat*, whose duty it was to guard the crop, and the *putwarry* or village accountant, perhaps the only inhabitant who could write, and on whom the cultivators relied for an adjustment of their demands and payments to be made on account of their rents. Besides these persons, who from the zemindars downwards, can be regarded in no other light than as servants of the Government, provision was made, either by an allotted share of the produce, or by a special grant of land, for the *canongoe*, or confidential agent of the Government, whose name implies, that he was the depositary and promulgator of the established regulations, and whose office was intended as a check on the conduct, in financial transactions, of all the rest. Under the superintendence of this officer, or of one of his *gomastahs* or appointed agents, were placed a certain number of adjacent villages, the accounts of which as kept by the putwarries, were constantly open to his inspection, and the transactions in which with regard to the occupancy of the land, and the distinction of boundaries, came regularly under his cognizance, in a form that enabled him at any time, when called upon, to report to the Government the quantity of land in cultivation, the nature of the produce, the amount of rent paid and generally, the disposal of the produce, agreeably to the shares allotted by the rules as above explained. To his office moreover, reference might be had to determine contested boundaries, the use of rivers or reservoirs for irrigation, and generally in all disputes concerning permanent property or local usage within the limits of his official range. Your Committee have been more particular in describing the office of the canongoe, because they find, that although prescribed and abolished (perhaps precipitately) as pernicious in Bengal and Bahar, after the conclusion of the permanent settlement of the land-revenue, the same office in the ceded and conquered districts, and in the province of Benares, has more recently

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been pronounced "of great utility, and calculated to render much public benefit;" and the several officers found there, continued in the exercise of their functions. A certain number of villages, with a society thus organized, formed a pergunnah; a certain number of these, comprehending a tract of country equal perhaps to a moderate sized English county, was denominated a chuckla; of these, a certain number and extent formed a Circar, and a few of these, formed the last or grand division, styled a soubah; of which, by the Dewanny grant, the British Government had obtained two, the soubah of Bengal and that of Bahar with part of Orissa.

From this concise representation of what appears to have been the provincial organization of the Revenue Department, your Committee think it may appear that when the Mogul Government was in its vigour, if it be supposed that the different offices from the highest downwards, were at any time judiciously filled and faithfully discharged, the rents of the lands might have been collected from the cultivator, without oppression; and different shares of the produce distributed by the rules described, under a just observance of the rights of the parties concerned; but as this, was scarcely to be expected throughout so extensive an empire, more especially when in its decline, when exaction on the one part, and concealment and evasion on the other, were likely to be practised, the *khas* collection or collection immediately by Government, was only occasionally and in particular instances, resorted to. In practice, it was more usual to have recourse to the zemindary settlement, or to a species of farming system, by the appointment of an Aumil or Superintendent, who in designation, was no more than an agent, but in practice, was often required to engage for the production of a certain amount of revenue.

To make the settlement which might be for a term of years, but which was commonly annual, the Subadar or Dewan of the empire, either proceeded into the provinces, or summoned the land-holders to his presence. If they agreed to the amount proposed, the settlement was made with them; if not, it was open to a farmer or aumil, who could tender security, if required, for the discharge of his engagements which included not only the amount of revenue to be paid to the Government, but also the due distribution of the allotted shares to the zemindar, and the inferior village officers as before enumerated. The

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profit to the farmer was supposed to be derived principally from the means which he might possess of extending the cultivation; and the zemindar, besides his established share of the produce, had, when the settlement was made with him, the same advantage. In both cases, this was probably the smallest part of the advantages they really derived; more especially, if situated beyond the reach of control.

On the same principle that the canongoes and village accountants were stationed in the province, a head canongoe and Superintendent of the treasury was stationed with the Subadar; whence were forwarded, the annual revenue accounts to the seat of empire; and whence might at any time, proceed orders or forms of reports to the provincial canongoes and accountants for the minutest particulars relative to the actual state or produce of any one or all of the different villages, contained within the limits of the province over which the subadar presided.

Sufficient traces remained to shew, what was the original state of these institutions, in Bahar; but in Benga the disorders which increase as the Mogul empire declined, had destroyed the efficacy of those checks, which had enabled the governing power to acquire an accurate account of the village collections. The office of the canongoe was become little more than a name; and no better mode appeared for gaining knowledge of the value of the lands, than could be obtained by a comparison of different years' collections, or by reference to village accounts, which were liable to fabrication. The difficulty was increased by a difference which had originally prevailed in the mode of forming the assesssment in Bengal, from what has been described as the practice in Bahar. In Bengal, instead of a division of the crop, or of the estimated value of it, in the current coin, the whole amount payable by the individual cultivator, was consolidated into one sum, called the *assul* or original rent; and provision made for the zemindar, the village accountant, the mundul and the other inferior officers, by other means than by a division of the zemindary portion of the produce. This was effected, either by grants of land, or by the privilege of cultivating, on lower terms than the rest of the inhabitants and partly in money; a mode which, as it afforded the officers of Government no interest in the accuracy of the village accounts, render the fabrication or concealment of them, the more feasible. It moreover placed the zemindar in a condition more consistent with European

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notions of proprietary right in the soil, than could be inferred from his portion of the produce, shared with the officers of Government and was, perhaps, the foundation of much of that difference of opinion which appeared in the official discussions on that topic, under the Supreme Government at this time.

Under this view of the Mogul system, as it formerly existed, and of the state into which it had fallen, it was by some suggested as advisable, for the Company to leave open the means of participation in the advantages expected to result from increased population and general prosperity, which might reasonably be counted on, under the British Government, by continuing the practice of periodical settlements of the land-revenue, under the checks instituted by the Mogul authority. These, it was contended when brought back to their original state of utility, and improved by such regulations as might be superadded by the British Government, would, under a just and vigilant administration, unite the liberal policy of an European State with the strength and energy of an Asiatic monarchy, and be altogether better suited to the genius, experience and understanding of the natives than institutions founded on principles, to them wholly new, derived from a state of society with which they were unacquainted and the ultimate views of which, they were not able to comprehend. *But the leading members of the Supreme Government appear to have been, at an early period of the transactions now commencing, impressed with a strong persuasion of the proprietary right in the soil possessed by the zemindars,* or if the right could not be made out, consistently with the institutions of the former Government, that reason and humanity irresistibly urged the introduction of it. In the decision of this question, was contemplated the introduction of a new order of things, which should have for its foundation, the security of individual property, and the administration of justice, criminal and civil, by rules which were to disregard all conditions of persons, and in their operation, be free of influence or control from the Government itself. The whole might be reconciled to a strict observance of the orders from home, which appeared to disclaim all views of an increasing land-revenue, requiring only that the amount, at whatever it might now be fixed, should not be liable to fluctuation or defalcation, as it before had been; and that the rules for the collection of it, should be permanent. If any deviations from the established usages of the natives

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should occur, in what was intended to be done, the advantage was still so entirely on their side, particularly in regard to the land-holder, that it was presumed they would at once sufficiently perceive the benefit intended, and not object to it, because the mode of introducing it was new, nor regret the abolition of practices, injurious to them, on account of these having been of long standing. Thus, although the inteniton of the Government must have been manifest from the outset, a discussion of the principal points on which the new system depended was invited, and free discussion allowed by the Government to its officers, whose sentiments as derived from local experience, might suggest the best means of carrying into effect the intended measures.

Though the servants of the Company had possessed the Dewanny authority over these provinces more than 26 years, and especial enquiries had at different times, been prosecuted into the state of the revenues, and the condition of the inhabitants; yet much uncertainty still remained, in regard to the rights and usages of the different orders of people connected with the revenues. But the ability and experience of the author of the Minute, which has been referred to, appears to have supplied what was wanting and to have enabled the Government to proceed without delay, to the formation of a settlement of the land-revenue, for a period of ten years, and to publish general orders and instructions for the direction of the Collectors of the different districts of Bengal, in pursuance of the orders from home, towards the end of the year 1789, and similar orders for the province of Bahar, in the year following; but owing to unexpected obstacles, and new circumstances that arose in the course of these arrangements, it was not before November 1791, that an amended and complete code of regulations for this purpose, was prepared and promulgated by the Government, nor till the year 1793, that the decennial settlement was declared to be concluded in every district.

As the conclusion of the decennial settlement has led to one of the most important measures ever adopted by the East India Company both in reference to themselves, by fixing the amount of their land-revenue in perpetuity, and to the land-holders, in establishing and conveying to them rights, hitherto unknown and unenjoyed in that country; your Committee think the House may expect from them, a particular account of the nature of this settlement.

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The first point proposed in the interrogatories, circulated by Government, was intended to determine the person with whom the settlement should be made; and here no difficulty occurred; for whatever might be the difference of opinion among those who were officially consulted on the theoretical question of proprietary right in the soil, a general concurrence prevailed in favor of the settlement being made with the zemindar, in all practical instances, where no disqualification from minority, sex, or notorious profligacy of character, presented objections. In such cases, provision was made for vesting the estate, in trust for the possessor; and in instances of the zemindar refusing to accede to the amount of the rent required, the estate was to be farmed, and a provision similar to the zemindary share, which has been described, provided for his maintenance.

The next consideration was the amount of the assessment to be fixed on the lands. This, as it was subsequently to become the limit of the resource which the Government could ever in future derive from the land, it was necessary should be fixed, with the utmost accuracy; but it appears that means adequate to so desirable and important a purpose, were not to be found. The lights formerly derivable from the canongoe's office were no longer to be depended on; and a minute scrutiny into the value of the lands by measurement and comparison of the village accounts, if sufficient for the purpose, was prohibited by the orders from home. Under these circumstances the attention of the Government was excited by an estimate of the resources of the country, extracted from the ancient records, by Mr. *James Grant* the officer in charge of the Khalsa or Exchequer office. By this document it was endeavoured to show that the real value of the lands had been concealed, and the confidence of Government abused by the native officers, entrusted during the early part of the Dewanny grant, with the management of the land-revenue; and that the aggregate assessment ought to be above half a million per annum, estimated in English money, more than had at any time been collected. The performance alluded to is in many respects, meritorious and interesting and the Committee have been induced to insert it in the Appendix, as explanatory of the ancient rules and tenures under the Mahomedan dominion; and of the state of the revenues: but in regard to the amount of the assessment suggested for Bengal,

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the misconceptions of the author, appear to have been sufficiently explained, in a Minute of Mr. Shore, already given in the Appendix; and a medium of the actual produce to Government, in former years, drawn from the scanty information which the Collectors had the means of procuring, was the basis on which the assessment on each estate, whether large or small, was ultimately fixed, with a reference to the principle suggested by the directors, namely, that a moderate jumma "if regularly and punctually collected, unites the consideration of "their interest, with the happiness of the natives and security of the land-holders, more rationally than any imperfect collection of an exaggerated jumma, to be enforced with severity and exaction." The Collectors to whom the task of adjusting the assessment on the lands, and of forming engage ments with the land-holders was entrusted, under such stipulations as the Government deemed necessary for the protection of the lower order of land-holders and cultivators, reported their progress in detail to the Board of Revenue; upon whose recommendation, when approved by Government, the settlement was finally concluded with the landholders for the term of ten years. The whole amount of land-revenue, by these means, and by this agency, obtained from the provinces of Bengal, Bahar, and Orissa, ultimately proved, for the year 1197, corresponding with the year 1790-1 to be sicca rupees 2,68,00,989 or £ sterling 3,108,915; and from the province of Benares sicca rupees 34,53,574 or £ sterling 400,615.

In the progress and conclusion of this important transaction, the Government appeared willing to recognize the proprietary right of the zemindars in the land; not so much, from any proof of the existence of such right, discernible in his relative situation under the Mogul Government in its best form, as from the desire of improving their condition under the British Government, as far as it might be done consistently with the permanency of the revenue and with the rights of the cultivators of the soil. The instructions from home had warned the Government against the danger of delusive theories; and the recent enquiries had disclosed a series of rights and privileges, and usages, admitted in the practice of the native Government, from the principal zemindar down to the actual labourer in husbandry, which it was necessary should be attended to, before the zemindar, could be left to the uncontrolled management of his estate. The

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tulookdar, the *chowdry*, the *mundul*, the *mokuddim*, had each his distinct right admitted, under the native Government. Although they might be subject to exaction and oppression of various kinds, yet their rights, under the existing mechanism of a malguzarry or assessed village, did not appear liable to be called in question; and these were sufficiently distinguishable; but the case with regard to the lower and more numerous class of the natives (the cultivators or ryots, was more multifarious and intricate; particularly in the Bengal province. where the village records, from the neglect of toe canongoe's office, could no longer be relied on, and where the practice of granting *puttahs* or leases had fallen into irregularity and confusion, and in some places, almost into disuse, from the same cause. The necessity which hence arose, of leaving many of these points unsettled when the engagements were concluded with the zemindars, created a doubt of the expediency of rendering those engagements irrevocable before it could be experimentally ascertained whether the different objects which led to their introduction were attainable under them. The fear of confirming, under a perpetual settlement, abuses which might not have yet come to light or if discovered, were not of a nature to be at once obviated, seems to have suggested a trial of the decennial settlement through the whole or even a part of the term engaged for, before any assurance should be afforded the zemindars that their assessments were to be fixed for ever. The objections arising on these grounds, against any intimation being given to the land-holders of an intention to render their settlements permanent and irrevocable, without a previous reference to the Court of Directors, are ably urged in the proceedings of the Supreme Government at this period; and were replied to by the Governor-General in a Minute dated 3rd February 1790, which proved satisfactory to the directors. At the present time, when your Committee are informed that settlements of the same nature are in progress in the recently acquired territorial possessions of the East India Company, your Committee are of opinion that the Minutes recorded on the above occasion should be printed for the informations of the House.

From the proceedings alluded to, it appears, to have been determined by the Governor-General in Council, that the notification in question should immediately be made to the zemindars; that if

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approved by the directors, to whose decision the point was to be referred, the settlements which had just been concluded, should be rendered perpetual, or be fixed for ever.

The directors in their reply dated 29th September (1792) to the reference which was made to them on the progress of the settlement, and to the proposal of rendering it perpetual, expressed themselves in high terms of approbation of what had been done; and of assent in regard to what was further proposed to be accomplished. They seemed to consider a settlement of the rents in perpetuity, not as a claim to which the landholders had any pretensions, founded on the principles or practice of the native Government, but a grace, which it would be good policy for the British Government to bestow upon them. In regard to proprietary right to the land, the recent enquiries had not established the zemindar on the footing of the owner of a landed estate in Europe, who may lease out portions, and employ and dismiss labourers at pleasure; but on the contrary had exhibited, from him down to the actual cultivator, other inferior landholders, styled talookdars and cultivators of different descriptions, whose claim to protection, the Government readily recognized, but whose rights were not, under the principles of the present system, so easily reconcilable, as to be at once susceptible of reduction to the rules about to be established in perpetuity. These, the directors particularly recommended to the consideration of the Government, who in establishing permanent rules were to leave an opening for the introduction of any such in future, as from time to time might be found necessary, to prevent the ryots being improperly disturbed in their possessions, or subjected to unwarrantable exactions. This, the directors observed, would be clearly consistent with the true practice of the Mogul Government, under which it was a general maxim that the immediate cultivator of the soil, duly paying his rent, should not be dispossessed of the land he occupied; " and this " (they further observed) " necessarily supposes that there were some limits, by which the rent could be defined, and that it was not left to the arbitrary determination of the zemindar; for otherwise, such a rule would be nugatory; and in point of fact, the original amount seems to have been anciently ascertained and fixed by an act of the sovereign." Subsequent enquiries, particularly in the Deccan, and more southern part of India, have confirmed these observations.

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The division of the crop or produce taken in money or in kind, fixes and limits this demand, and as long as the ancient rules were scrupulously observed, the state and its subjects derived a mutual advantage from the increase of cultivation, while the rate of taxation remained fixed and invariable. Notwithstanding the foregoing reservations, the advantage actually to be conferred in rendering the amount of revenue, which the landholders had recently entered into voluntary engagements to pay, perpetual or fixed for ever, and thereby securing them from any further demand of rent, or tribute, or of any arbitrary exaction whatsoever, was so new, so unexpected, and of such inestimable value to the landholders, as led the directors to believe would induce them assiduously to employ themselves in improving their estates, and on the other hand, would place the security of the public revenue on a solid basis, founded on the growing prosperity of the country.

On a point so singularly interesting to the East India Company, as the amount of the land-revenue which was now in Bengal to be fixed for ever, the directors, after lamenting the want of better data than the experience of a series of past years, joined to the recent enquiries, had afforded, expressed themselves satisfied in its appearing likely to prove equal to what they had, after consideration of the exigencies of Government, and of a reserve proper for extraordinary services, already had it in view to obtain; and they did not wish to expose their subjects to the hazard of oppressive practices, by requiring more; yet on consideration of the extent of land which lay waste throughout the provinces, and adverting to what had formerly been the practice of the native Government, in participating in the resources derivable from its progressive cultivation, they would be induced to acquiesce in any arrangement which might be devised, with a view to secure to the East India Company, a similar participation in the wealth derivable from such a source, provided it could be effected without counteracting the principal object of encouraging industry, and be reconciled with the principles of the system, which was about to be introduced; and they concluded their letter with observing, that "the demand from the land, the great, and now almost the only source of revenue, is *fixed*, with the exception of any addition which may be made from resumption, or what may arise form uncultivated lands (if that resource should be available) *it is*

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fixed for ever; a most serious argument, for strict economy in the expenditure of what is so limited; for the utmost care on our part, that our known resources being on the one hand restrained from increase, they may on the other, be preserved from diminution." On the authority of the orders conveyed in this letter, Lord Cornwallis proceeded without loss of time to notify by proclamation, bearing date the 22nd March 1793, to the landholders, the permanency of the settlements which had just been formed, as well as of those which were yet in progress, whenever they should be completed. The terms of the first three articles of the proclamation are as follow:—

Art. I. "In the original regulations for the decennial settlement of the public revenues of Bengal, Bahar and Orissa, passed for these provinces respectively on the 18th of September 1789, the 25th November 1789, and the 10th February 1790; it was notified to the proprietors of land with or on behalf of whom a settlement might be concluded, that the jumma assessed upon the lands, under those regulations, would be continued after the expiration of the ten years, and remain unalterable for ever; provided such continuance should meet with the approbation of the Honourable Court of Directors for the affairs of the East India Company, and not otherwise."

Art. II. "The Marquis Cornwallis, Knight of the Most Noble Order of the Garter, Governor-General in Council, now notifies to all zemindars, independent talookdars, and other actual proprietors of land, in the provinces of Bengal, Bahar and Orissa, that he has been empowered by the Honourable Court of Directors for the affairs of the East India Company, to declare the jumma, which has been or may be assessed upon their lands under the regulations above-mentioned, fixed for ever."

Art. III. "The Governor-General in Council accordingly declares to zemindars, independent talookdars, and other actual proprietors of land, with or on behalf of whom a settlement has been concluded under the regulations above-mentioned, that at the expiration of the term of the settlement, no alteration will be made in the assessment which they have respectively engaged to pay, but that they and their heirs and lawful successors will be allowed to hold their estates at such assessment for ever."

During the time that the settlement of the land-revenue was in progress, and until an answer to the reference for rendering the

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decennial settlement perpetual, could be obtained from England, the Government was occupied in devising remedies for the imperfections and abuses which prevailed in other departments of the internal administration. The next in importance to the land-revenue, as presenting an object for reform was the *Sayer* or inland customs duties and taxes, or generally whatever was collected on the part of Government and not included in the *mehaul* or land-revenue This department, comprehending whatever was calculated to bear an impost in towns or markets, in places of fixed or of occasional resort, or on the roads, being less susceptible of reduction to fixed rules, was more open to imposition and abuse, and consequently the scrutiny introduced on the present occasion, presented an object of peculiar interest for the Government to reform. The more effectually to accomplish this purpose, it was by advertisement on the 11th June 1790, notified that (with an exception of the tax on tenements, which appeared derivable from the land thus occupied) the management and collection of the sayer revenue, would in future be separated from the zemindary charge, and placed under the authority of officers to be appointed directly on the part of Government. But in proceeding to act upon this resolution, the good conduct of the natives, who were now to be placed in this charge, under the immediate control of the officers of Government, appeared as little to be depended on, as when they acted under the control of the zemindars. The advantage therefore to the public interests was doubtful, while the additional expense to be incurred in salaries, was certain and unavoidable; and therefore, as the shortest way of getting rid of the embarrassment, which the resolution for the resumption of the sayer had occasioned, the Government determined that it would be advisable to abolish this class of collections altogether, and to allow the zemindars a compensation for the loss, which it should be made to appear they respectively had suffered thereby.

The tax on spirituous liquors was reserved out of the abolition, and has since been regulated and rendered more productive than formerly, and your Committee observe, that the abolition of the tax has not been final, or under any such declaration, as should preclude the Government at any future time from the option of restoring the collections in question, in whole or in part, under such regulations and restrictions as they may deem expedient.

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Your Committee will next proceed to notice the reforms introduced into the rules established for securing the Company a revenue derivable from the monopoly of salt, and for improving the condition of the natives employed in the manufacture of that article.

The salt with which the inhabitants of the populous provinces of Bengal and Bahar are supplied, is obtained from the earth found impregnated with sea salt at the mouths of the Ganges, in the tracts contained between Ballasore and Chittagong. On the acquisition of the Dewanny, the inland trade in salt, betel-nut and tobacco was vested in an exclusive Company, for the benefit of the European servants; who enjoyed the profits of the concern, in lieu of salary. The regulations of the 3rd September 1766, fixed the price at which salt should be sold, in lots to the natives, at two hundred rupees per hundred maund; and prohibited the sale of it, on these terms, to any but the natives. Other restrictions calculated to secure the natives from the injurious effects of a monopoly, were likewise introduced; which lasted till the January following, when the society abovementioned of trade, was abolished by orders from the Court of Directors; but, owing to the time necessary to terminate the contracts which had been entered into for the supply of salt, this society was not finally put an end to till October 1768. The advantage to the Government, had been a duty of 50 per cent. on the value of the salt manufactured, which, together with fifteen per cent. on betel, was estimated to produce an annual revenue of twelve or thirteen lacs of rupees. On the abolition of the society of trade, the manufacture appears to have been thrown open to the native merchants, who might employ the manufacturers; and to such of the zemindars as by their situations, possessed the convenience, and by their sunnuds the right, of making salt within their limits: but restrictions were still imposed, to prevent the opulent natives from entering into combinations for the purpose of monopolizing the sale of salt in the interior, and from oppressing the manufacturers.

In the year 1772 it was determined, 1st "That the salt in every part of the province should be on the same footing:—2nd. That the salt should be made for the Company:—3rd. That the colluries or manufactories in each district, should be let in farm for five years." By the conditions of the farm, a certain quantity of salt

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was to be delivered at a stipulated price, which was then to be dealt out at a fixed price to the native conductors of the inland trade, who had agreed before-hand to aid the farmers by advance of money for the payment of the labourers or lower classes of manufacturers.

In July 1777, the practice of farming the mahauls or manufac tories was continued; but the salt produced, was left to the farmer's disposal.

As the revenue accruing to the Company up to this time, from the manufacture of salt, did not appear equal to what might, under a more judicious management be derived from it, a new system was introduced in September 1780, "for the provision of salt by agency, under which all the salt of the provinces was to be manufactured for "the Company, and sold for ready money, at moderate fixed rates, to be ascertained and published at the beginning of every season by the Governor-General and Council." The European agents employed in this department, were restricted by oath to their avowed allowan- ces: but, exclusive of a salary, they were allowed a Commission of ten per cent. on the profit which should accrue to the Company under their management; and by public advertisement, the manufac- turers of salt were required to place themselves under their direction. This plan was strenuously opposed in Council; but the result appears to have justified the expectations formed by the Governor-General, Mr. HASTINGS, who proposed its introduction; for the net average amount of revenue brought to account in the first three years following the new mode of management, was sicca rupees 4,000,500, or £ sterling 464, 060, and the same, for the three years preceding the arrival of Lord Cornwallis sicca rupees 4,503,900, or £ sterling 522,450.

The regulations introduced by Lord Cornwallis, do not alter the general plan of the monopoly as above introduced; but are calculated to remove all compulsion from the manufacturers, and to guard them from the impositions of the intermediate native agents, standing between the covenanted European servants of the Company, and the labourers in the manufactory. Your Committee have the satisfaction of observing, that under these rules, the revenue derived from salt has largely increased, and that the net advantage to the Company, from this, and improved sales, has risen to sicca rupees 11,725,700, or £ sterling 1,360, 180 on an average of the last three years.

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The monopoly of the opium, produced from the culture of the poppy, is the third principal branch of the East India Company's territorial revenue in India. In considering this as a financial resource, it appears that the practice of the Mogul Government has been adopted ; under which the opium was farmed out, on an exclusive privilege for a peiscush or annual payment in advance.

In 1773 the contract, or exclusive privilege for providing opium, was granted to Meer Munheer, "in preference (as it was stated by Government) to any one else, because being the person who had been employed by the gentlemen of Patna in that business, he was the best acquainted with the proper mode of managing it ; and would account for any outstanding balances," He was to deliver the Bahar opium at 320 rupees ; the Oude at 352 rupees per maund. In the notification made by the Government on this occasion, wherein the zemindars and others were required to afford their assistance, it was added, that the purchases of opium would be made, to the satisfaction of the cultivators, and no oppression would be committed.

On a renewal of the contract to these persons in 1775, on the same terms, the contractors engaged "to carry on their own business without oppression to the ryots, and would not force them to prepare the lands for the cultivation of the opium poppy, nor force them to cultivate the opium poppy, but leave them to till the lands as most agreeable to themselves." In the same year, it was notified, that the next contract for the supply of opium would be made on proposals to be tendered to the Government for that purpose ; and the proposals received, were renewed and accepted for the following year. The Government having heard of forcible means used with the cultivators, strictly enjoined the provincial Council to attend to the orders, they had before received, to prevent force or compulsion being used to oblige the ryots to cultivate the poppy in preference to any other article.

The terms of this last contract appear to have furnished the rule on which the contract was conferred by special favour, without any additional provision for the protection of the cultivators, for the subsequent years, until 1785 ; when the Government determined that the contract should be exposed to public competition, and for a term of four years, be disposed of to the highest bidder.

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On the conclusion of the engagement entered into, the Government reserved to itself the appointment of Inspectors to superintend the provision and manufacture of the opium; and declared it to be the duty of "the Collectors of the several districts to hear all complaints of the ryots against the contractors and their officers, and to grant such redress, according to the former practice and usage of the respective districts, as may be required; and that this provision be publicly notified by advertisement throughout the districts where opium is manufactured with this condition, that the contractors may appeal to the Board from the decision of the Collectors, provided such appeal be made within one month from the date of such provincial decision; which is in the meantime to be in force and obeyed, till the judgment on the appeal shall have been passed."

Before the expiration of the last-mentioned contract, Lord Cornwallis had arrived in India; and the same scrutiny which was carried on in the other departments, appears to have been extended to the means which had been used for the supply of opium. Though the mode of supply by contract was not discontinued, but on the contrary, renewed by advertisement for another term of four years, many new conditions were required from the contractors; the particulars of which your Committee do not deem it necessary to enter into, farther than to explain, in what respects they were calculated for the relief and protection of the cultivators and manufacturers. The Government, as long as it had assumed the monopoly of opium must have had an interest in keeping down the price paid to the cultivators; at the same time that policy suggested the necessity that the price they received should be reduced to so low a rate as to discourage the cultivation, and thereby diminish the quantity produced. These considerations produced the establishment of a medium rate, at which, by weight, the cultivator had, from a remote period, been accustomed to deliver his crude opium to the person, whether agent or contractor, who, on the part of Government, was appointed to receive it. Upon this rate, which appears in the village account as the *assul*, or original established rate, certain *abwabs* or cesses, had subsequently become imposed, in the same manner as practised in the land rents. The principal part of these impositions were abolished under the present contract; and the rate stated, at

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which the contractor was required to purchase the crude opium from the cultivator.

Your Committee cannot but notice the singular principle on which these contracts must have proceeded, wherein the Government, on contracting for the price at which they were to receive the opium, at the same time prescribed the price at which it should be purchased by the contractor; more especially when it appears, that as the latter, was to exceed the former it might be supposed that the contractor agreed to supply opium to the East India Company at a lower rate than he could purchase it himself. Though the result will sufficiently demonstrate the erroneous tendency of these contracts, yet the mistakes committed in them, were not discovered soon; and the present contract for four years had its course, and another contract for the same period was entered into, and had continued to the end of its term, before the ill consequences discovered themselves, in the depression in the trade, which, under judicious management, was calculated to be, and which has since shewn itself to be, a very considerable financial resource.

The settlement of the land-revenue having been effected, in the manner which has been described, and rendered perpetual by the Court of Directors, with the concurrence of the Board of Commissioners for the affairs of India, Lord Cornwallis proceeded without delay to perfect the system of internal administration, which he had undertaken to introduce. For this purpose, the regulations framed at different periods of his administration, were revised and printed, for the guidance of the officers of Government, and translated into the native languages for the information of the inhabitants at large. This example has been subsequently followed by the presidencies of Fort St. George and Bombay; and the code of regulations thus framed, may be considered as the statute book of the British Government; the nature and importance of which, will appear from the preamble of Regulation XLI of 1793, where it is stated to be, essential to the future prosperity of the British in Bengal, that all regulations which may be passed by Government, affecting in any respects the rights, persons or property of their subjects, should be formed into a regular code, and printed with translations in the country languages; that the grounds on which each regulation may

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be enacted should be prefixed to it; and that the Court of Justice should be bound to regulate their decisions by the rules and ordinances which those regulations may contain. A code of regulations framed upon the above principles, would enable individuals to render themselves acquainted with the laws upon which the security of the many inestimable privileges and immunities granted to them by the British Government depends, and the mode of obtaining speedy redress against every infringement of them; the Courts of Justice will be able to apply the regulations, according to their true intent and import; future administrations will have the means of judging, how far the regulations have been productive of the desired effect; and when necessary, to modify or alter them, as from experience may be found advisable; new regulations will not be made, nor those which may exist be repealed, without due deliberation; and the causes of future decline or prosperity of these provinces, will always be traceable, in the code, to their source."

Your Committee will now proceed to give an account of the system of internal Government as modified by Lord Cornwallis and established by the code of regulations above-mentioned, beginning with the department of the revenue, which stands first in thecode.

THE REVENUE DEPARTMENT.

It has been already stated, that the superintendence of the settlement and collection of the revenue, and the control over the conduct of the Collectors, was agreeably to orders of the Court, of September 1785, vested in a Board of Revenue, consisting of a president (who is always one of the members, selected from the civil service of the Supreme Council) and four members, each of whom are under the restraint of an oath prescribed by the Act. Besides its ordinary functions, the Board was originally constituted a Court of review, and of Appeal, from the decisions of the Collectors acting in their capacity of Judges of Adawlut, in all causes relating to the public revenue, which appertained to the mahal adawlut, in contradistinction to all other suits which came under the jurisdiction of the Dewanny Adawlut. Lord Cornwallis, deeming it incompatible with the principles of the system he was

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about to introduce, that the officers of the revenue should decide on suits, the cause of which originating in their own department, might render them not wholly disinterested in the decision, annulled the judicial powers of the officers in the Revenue Department, and transferred the cognizance of all matters wherein the Government might be concerned to the same Court of Dewanny Adawlut, which was to dispense justice among the inhabitants in general. The Board of Revenue being thus relieved from the exercise of judicial functions would, it was understood, have more time to bestow on the various duties assigned to its members, which duties are recited in regulation the IInd of 1793, enacted for their guidance. The Board of Revenue is held at the seat of Government ; it has a Secretary, with assistant translators, and other subordinate officers, European and native. In this Board, is vested the general control over the Collectors of the land revenue, with authority to superintend their proceedings, and to suspend them from their offices, if negligent in the performance of their duty. Their own proceedings are, in like manner, subject to the superintendence of the Government ; and the orders of the Government in this department, are circulated, through the Board of Revenue to the Collectors. The Board of Revenue is constituted a Court of Wards, with powers to control the conduct and inspect the accounts of those who manage the estates of persons disqualified by minority, sex or natural infirmity, for the administration of their own affairs. The Board make periodical reports to Government on the state of the revenues, and their proceedings in detail, are transmitted through the Government to the Court of Directors.

The only instances in which the *Collectors* are allowed to retain any of their judicial functions, are such as relate to the continuance of the provincial pensions, and the separation of the talooks or small estates from their dependence on the zemindaries to which they are attached. It has been the practice of the native Government, to grant pensions to various descriptions of Mahomedans and Hindoos. The greatest part of these, were small stipends granted in reward of merit or through motives of devotion and charity to Brahmins, to Faqueers and to Mahomedan families, in a state of decline. Some were for a fixed term, and others in perpetuity ; but all were chargeable, either on the revenue or on the sayer collections ; and many had probably been held, without an adequate authority. Without entering into a

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scrupulous examination of the rights by which these pensions were enjoyed, the British Government had been accustomed to authorize the payment of them ; and on the conclusion of the decennial settlement and the abolition of the sayer revenue, provision was made for the continuance of all such as should, on investigation, be found duly authorized under rules which were enacted for the purpose. This investigation being on a subject declared to be gratuitous, is entrusted to the Collector, subject to the revision of the Board of Revenue, and to the ultimate determination of the Governor-General in Council. The Collector also decides in the first instance, on talookdarry claims for separation, it being a point in which his office is supposed to contain the best information, but the Appeal in this case lies to the Courts of Justice, the subject being a private right, over which the Government profess to exercise no control.

The Collectors being divested of their Magisterial authority, it became necessary to provide, by other means, for the collection of arrears of land-revenue. This has been done by a regulation conveying ample powers for the enforcement of all such demands, by attachment and sale of the defaulter's property and by imprisonment of his person where the property should prove inadequate to answer the demand. The Government, solicitious to prevent the recurrence of corporal punishment, which had under former systems been practised, in the regulation enacted on this occasion, avoids all personal restraint beyond what may be necessary to establish the justice of the demand, but is precise in its form of process prescribed for the Collector to follow, and peremptory in regard to a sale of the land, in the last resort. The same regulation affords to the zemindar the means of obtaining redress, by a suit for damages against a Collector for acts of unauthorized severity or for the enforcement of an unjust demand, or for any unauthorized proceeding in his official capacity whereby the party may sustain damage. It discriminates also the cases, in which the suit is to be considered as virtually prosecuted against the Government, and against the Collector individually. The functions of the Collector are to assess the tax imposed on spirituous and fermented liquors, and intoxicating drugs ; to superintend the division (by sale or by decrees of the Judicial Courts) of landed property paying revenue to Government, to apportion the public revenue on land, ordered to be sold for the

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discharge of arrears of revenue ; to procure land for the native invalid soldiers ; and he is required to dispose of the amount of his collections, as may be directed by the Accountant General ; to keep and transmit his periodical accounts, in the forms prescribed to the Board of Revenue. and generally to perform whatever duties may be required of him, by a public regulation, or by special orders from the Board of Revenue. These officers act, under the restraint of the oath prescribed by Act of Parliament. In their establishments are included one or more European Assistants, taken from the junior part of the covenanted servants ; a Dewan appointed by the Board of Revenue, and other native officers, agreeably to the list of establishments contained in No. 60 of the Appendix to the second Report of this Committee ; a copy of which list is by Act of Parliament required to be laid annually before this House.

The division of the provinces into Collectorships, remained nearly as before ; no further alteration being made, than such as was more convenient in defining them by rivers, or other natural boundaries, where any such occurred.

Officially subordinate to the Collectors, are the *Tahsildars*, or native Collectors, posted in a few instances, where the extent of the district, or the great number of petty land-holders renders assistance necessary to the European Collector. In Bengal and Bahar, their functions are limited to the receipt of the revenue, in the division of the district where they are posted ; in Benares, and in the Ceded and conquered provinces, the situation and employment of the Tahsildars will be explained, in the account to be given of the settlement of those provinces.

It must have appeared, from what has been stated, that the inhabitants of the Company's territorial possessions, whose condition was considered to be the most improved, by the introduction of the new system, were the class of land-holders or zemindars. Under the native Government, the zemindars were liable to an annual requisition for such an amount of revenue or tribute, as a minute local scrutiny of the village accounts, aided by a measurement of the land, if necessary, might warrant, leaving them simply their *russoom* or established proportion of the produce, and their *nauncaur* or special grant of land, where such existed, joined with the advantage derivable from an extension of cultivation, or what might be obtained by re-letting the land in

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parcels to under-renters, as a compensation for the trouble and risk of the charge ; and subject to imprisonment, corporal punishment, and dispossession, in case of failure in the performance of their engagements. If they declined entering into engagements on the plea of excessive demand, they were restricted to their allowance of russoom or nauncaur ; while the land was liable to be farmed, or committed to the immediate management of an officer of Government. By the terms of the perpetual settlement, no farther demand is to be made upon the land-holder, whatever may be the augmentation of his resources, by increased cultivation, or any other means, than the amount of the jumma or revenue which he has already voluntarily engaged to pay. On the other hand, he is declared not entitled to remissions, on the plea of loss from unfavourable seasons, inundation, or any other natural calamity; and in the event of his falling in arrear of the regular payment of the revenue, his land is liable to be sold, in liquidation of the balance outstanding.

Thus far, the present tenure and condition of zemindar may appear similar to that of a freeholder in this country; but in India, as already has been mentioned, subordinate rights were found to exist, which justice and humanity required should be protected, before the privileges of the zemindars, under the new system, were declared fixed for ever. These were, the rights of the talookdars, or inferior zemindars, and of the ryots or cultivators. The former were of different descriptions ; some of them, already entitled to separation from the zemindar's authority, or to make engagements with and pay their revenue directly to the ruling power ; others, by former custom, were dependant on the zemindar, as on a liege lord. The hand of power had so often and so variously controlled the right, as to render the real extent of it, doubtful ; and hence it became difficult to frame such rules for the separation of talooks, as might in all instances, be free of objection. The Collectors, therefore, on concluding the settlement, after separating such of the talookdars, whose right to that condition was unquestionable, left all others subject to future investigation, under the rules and regulations established for trying and determining the rights in question, which rendered all such claims cognizable in the first instance by the Collector, from whose decision appeals were to be had, to the Courts of Dewanny Adawlut. The effect of the regulation, authorizing the separation of talooks, must have appeared consonant to the senti-

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ments of the directors, who, in their letter of 19th September 1792, suggested the inconvenience, if not danger, which might arise from the great extent of some of the principal zemindaries; and the regulation alluded to, continued in operation till 1801, when from the great number of separations into minute portions of land which had occurred under it, and from the opportunity it afforded for practices injurious to the revenue, it was deemed necessary to establish a limited period, beyond which no further separations should be allowed. Other inconveniences resulting from the encouragement held out to application for separation by the rules alluded to, and the obscurity of the rights to be determined under them, were observable in a few instances, wherein considerable zemindars found their estates in portions wholly taken from them, and themselves reduced to the condition of pensioners of Government. In some other instances, the purchasers of land at the public sales, held for the liquidation of balances of revenue, were left in a similar predicament, and compensation for the loss sustained, claimed by the purchaser, and allowed by the Government. Your Committee are enabled to state, in proof of the uncertainty which must have attended the decision of the right in question, that though the mokuddims, noticed in a former part of this Report, sued and established their right to separation before the Judge of the provincial Court of Bhauglepore, they lost their cause in an appeal which was made from that decision to the superior Court at Moorshedabad.

A similar inconvenience, resulting from the rule established for selling land in portions to realize arrears of revenue, has induced the regulation, which restricts those divisions to portions which shall not bear an assessment of revenue, under sicca rupees 500 per annum. But the Mahomedan and Hindu laws of inheritance, still in force for the division of hereditary property, may probably carry this inconvenience to an extent which will oblige the Government to apply a remedy, by enacting a restrictive regulation in those cases likewise.

With respect to the cultivators or ryots, their rights and customs varied so much in different parts of the country, and appeared to the Government to involve so much intricacy, that the regulation only provides generally for engagements being entered into, and pottahs

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or leases being granted by the zemindars, leaving the terms to be such as shall appear to have been customary, or as shall be particularly adjusted between the parties ; and in this, it is probable that the intentions and expectations of the Government have been fulfilled, as no new regulation yet appears, altering or rescinding the one alluded to. It is morever to be expected, that the parties, on experiencing the inconvenience, expense and delay, combined with the uncertainty attendant on dscisions in the newly constituted Courts of Justice, will come to a reasonable agreement between themselves ; the zemindars, for the sake of retaining the cultivator, by whose means alone his estate can be rendered productive ; and the cultivator, for the sake of gaining a subsistence on the spot where he has been accustomed to reside.

The village accountant, or putwarry, whose duties have been described, it was deemed necessary to retain under the new system ; but he is, by the regulations, placed in the situation of a servant to the zemindar, for the purpose (besides keeping the village accounts) of furnishing information respecting the lands which may at any time, be ordered for sale by the Collector, or by the Courts of Justice. But for the canongoes, whose functions have also been described, no employment appearing necessary, the office was, by the Government, declared abolished, and the lands which they possessed in right of office, and some of them by inheritance through many descents, were pronounced resumable, on the principle of the possessors being merely the servants of the State, and removeable at pleasure. The severity of this decision was afterwards so far mitigated as to leave the principal canongoes a maintenance ; but the office and the russooms, or income derivable from it, have not been restored to them, in Bengal and Bahar.

In determining to abolish this ancient institution, it may be doubted whether the Government did not proceed hastily on the evidence of abuses in the administration of it, and without sufficient regard to its utility, under wholesome rules. What tends to confirm this appearance of precipitancy, is the necessity that has since arisen for preserving the office in Benares, and the Ceded and conquered districts, under a subsequent introduction of the Bengal regulations for the Government of those provinces. By Regulation V. of 1808, it is provided, that " the office of canongoe having been found of great

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utility under former Governments in the Ceded and conquered provinces, and being calculated to render much public benefit in those provinces, and in the province of Benares, under proper rules and restrictions," is accordingly continued, but on a footing somewhat different, as it is no longer hereditary, nor the salary payable by russoom, but immediately from the Government treasury.

To supply the want of the office of canongoe, in recording the changes of landed property, and other local circumstances, a quinquennial register of landed property, with an intermediate register of changes, was established, and ordered to be kept by native officers, under the inspection and superintendence of the Collector of each district, with translations of the same in the English language. Provision appears to have been made for verifying the leaves of the register by the signature of the Judge of the district, and by other precautions for rendering it authentic and complete, as a record to which reference might be had by the officers of Government and by the Courts of Justice, for information respecting the assessment of the revenue in particular divisions of land and for determining boundary disputes, and other circumstances, wherein the demands of the Government and the rights and property of individuals, are concerned. But as it does not appear, that these registers have yet been finished, it may, perhaps, after a lapse of so many years, admit of a doubt, whether they ever will be completed. A circumstance that seems to countenance this conjecture, is the necessity recently felt of re-establishing the canongoe's office in the upper provinces, which your Committee have reason to believe the registers in question, were meant to supply.

Your Committee have been induced to mention these and other circumstances of a similar nature, from an impression, that in settling the revenue, and introducing regulations of a permanent nature, into the new acquisitions of territory under the different presidencies, in which important service the Indian Government is now actually employed, the operation of the new system, introduced into Bengal, should be kept constantly in view; in order that any errors which may have been committed, through inadvertency or precipitancy or want of experience, in those possessions, may be avoided on future occasions.

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The only regulations remaining under this head, which your Committee think it necessary to mention, are those which provide for the resumption, by Government, of land held exempt from the payment of revenue either surreptitiously, or under invalid titles.

The circumstance of land, to a considerable extent, existing under the general denomination of *bazee zemeen,* or land exempt from the payment of revenue, appears noticed in the Proceedings of the Government of Bengal in the year 1782; when it was remarked, that partial attempts had been made at different "periods, to ascertain the extent and annual amount of these lands." But no general register had yet been formed; and the records of former investigations, were either lost or dispersed, and what existed, were too inaccurate to be relied on. Although means had been used in 1772, to prevent the practice of alienating land without authority, there was reason to believe the abuse on the part of the zemindars still continued, and that the institution of an office, to be denominated the bazee zemeen dufter, was necessary to check it. The Superintendent of the bazee zemeen dufter, assisted by a competent establishment of native officers, was authorized to traverse the provinces of Bengal and Orissa, for the purpose of collecting information, and forming a register of the lands in question; and, as an incitement to diligence in the discharge of his duty, he was, in addition to his salary, allowed a Commission on all the resumptions of land which might, by his means, be brought on the rental of Government. The province of Bahar was exempt from this enquiry; it being presumed that the provincial Council had already made the necessary enquiry on the subject. The records contain no account of any material service having been performed, in consequence of this institution. On the contrary, it appeared to the Government to be a source of great abuses, by protecting fraudulent alienations of the public revenue; and in 1786 the bazee zemeen dufter (or registry of lands exempt from the payment of revenue) was abolished; and a part of the duties, under other regulations, committed to the charge of the Collectors of revenue in their respective districts. No further alteration in it appears to have been introduced, till the year 1790, when Lord Cornwallis brought forward the regulations which were afterwards included in the code published in 1793, "for trying the "validity of the claims of persons holding or claiming a right

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to hold lands, exempt from the payment of revenue to Government." The object of these regulations, is to define the circumstances under which the titles to the different descriptions of grants therein cited, shall be deemed valid; such as, proof of possession prior to the Company's accession to the Dewanny, or of competent authority since that event; and to empower the Collector of the district to prosecute suits on the part of Government in the Dewanny Adawlut for resumption, where the title to possesion cannot be maintained. But it does not appear that any considerable resumptions have been made. Indeed the effects of the first miscarriage of a plan, intended to discover the vast alienations which had been made of the public possessions, are still sensibly felt, and the recovery of them is now, perhaps, from continued enjoyment, become impracticable.

To the account which has already been given of the revenues derivable from the monopoly of salt and opium, little is necessary to be added here. The regulations passed for securing the monopoly of those articles; for preventing smuggling in the former, and adulteration in the latter; for preventing the officers employed on the part of Government from compelling persons to engage in the manufacture of either; for ensuring a due performance of engagements, when voluntarily contracted by the manufacturers, and for affording them redress, through the means of the Courts of Judicature, when aggrieved by the Agents of Government; were revised, and introduced into the code published in 1793. No material alteration appears to have been made in this regulation relative to the salt, since that time, except the establishment of chokeys, under the superintendence of covenanted servants, to prevent smuggling; and a reduction in the rate of commission allowed to the salt Agents.

In regard to the opium, the revenue arising from it having considerably diminished, and the trade in it declined, owing to the debasement of the article by adulteration, the mode of provision by contract was discontinued; and in 1799 the agency of a covenanted servant of the Company adopted instead. This change in the management of the opium monopoly, has answered the expectations formed of it, in every particular; and the net revenue arising from it, which on an average of the last four years of the contract, was Sa. Rs. 8,19,400, or £ sterling 95,950, has on an average of the four years, of which the

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latest accounts have been received, proved, Sa. Rs. 59,80,100 or £ sterling 693,700.

The Agents appointed for the provision of salt and opium, previously to entering on their office, are required to take and subscribe an oath, which restricts them from deriving any advantage themselves, or knowingly from permitting any other person to do so, beyond the avowed allowance from the Government.

The Civil Courts of Justice.

Your Committee have already described the state of the judicial department in Bengal, previous to the introduction of the new system; when, in each of the districts into which the provinces were divided, a European servant presided, and exercised the functions of Collector of the revenue, Judge of the Adawlut, and Superintendent of the Police; under rules which kept his proceedings distinct and separate, in each of those departments.

This was, the constitution of the internal Government which the Court of Directors had chosen for their territorial possessions in India, when in 1780, Lord Cornwallis was appointed to carry into effect the improvements which they had determined, for the administration of those possessions. On that occasion, the directors accompanied their orders with the following observations:

"We are actuated in all our ideas concerning the preservation and Government of our possessions in India, by the necessity of accommodating our views and interests to the subsisting manners and usages of the people, rather than by any abstract theories drawn from other countries, as applicable to a different state of things. We have therefore, upon a full view of the subject, adopted this conclusion, that it will tend more to simplicity, energy, justice and economy, to re-invest the provincial Chiefs or Collectors with the superintendence of the Courts of Dewanny Adawlut."

It must be acknowledged that the proposed establishment of an individual authority in each district, was consonant with the practice of the native Governments, in which, from the monarch, in gradation to the inferior village officer, the authority of the immediate superior was absolute, and commonly regarded with implicit obedience, till injustice or oppression forced an appeal to an higher power. It is

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moreover evident, that the advantages and disadvantages, the good or evil, attending this system, would depend more on the qualities of the individual agents presiding in it, than in any regulations that could be framed for their guidance. In proportion as the European Chief or Collector, stationed at a distance from the seat and immediate superintendence of the Government, should be active, vigilant and upright, or indolent and corrupt, it might be expected that the conduct of his inferior officers, stationed throughout the district, would be found to partake of the same qualities; and that the welfare of the inhabitants would thus in a certain degree, depend on the choice to be made of the person who was to be placed, in authority over them. The uncertainties which might attend on such a selection, and other reasons, which are stated at large in the Minute of Lord Cornwallis, for rejecting this system, and in the room of it, to introduce one which he proposed should be "upheld by its own inherent principles, and not by the personal qualities of those who would have to superintend it." A system under which it would no longer be necessary for the people to court the patronage of individuals, or to look beyond the laws for security to their persons and property. In conformity to these principles, the public regulations in various passages, inculcate the free access that may be had to the Courts of Justice for redress, not only from grievances arising from the infringement of rights on the part of individuals, but from the abuse of authority in the officers of Government; and have in Regulation III of 1793, pointed out a mode whereby the Government may be brought to account and may be compelled to answer for any injury done to the meanest of its subjects, by the authorized conduct of its officers, or by an act of its own, passing rules in anywise injurious to the rights of individuals. The preamble to Regulation III of 1793, contains the following passage:—"The Government have resolved that the authority of the laws and regulations lodged in the Courts of Justice, shall extend, not only to all suits between native individuals, but that the officers of Government employed in the collection of the revenue, the provision of the Company's investment, and all other financial or commercial concerns of the public, shall be amenable to the Courts, for acts done in their official capacity, in opposition to the regulations; and that Government itself, in superintending these various branches of the resources of the State, may be precluded from injuring private property, they have determined to submit the claims and interest of the public in such matters to be decided

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by the Courts of Justice, according to the same manner as the rights of individuals."

The preamble to Regulation II of 1793, which separates the judicial and financial functions, assigns the following reasons for that measure :—"The Collectors of the revenue preside in the Courts of Mahal Adawlut, as Judges, and an Appeal lies from their decisions to the Board of Revenue; and from the decrees of that Board to the Governor-General in Council in the Department of Revenue. The proprietors can never consider the privileges which have been conferred upon them as secure, while the revenue officers are vested with those judicial powers. Exclusive of the objections arising to these Courts from their irregular, summary, and often *ex-parte* proceedings, and from the Collectors being obliged to suspend the exercise of their judicial functions, whenever they interfere with their financial duties, it is obvious, that if the regulations for assessing and collecting the public revenue are infringed, the revenue officers themselves must be the aggressors, and that individuals who have been aggrieved by them, in one capacity, can never hope to obtain redress from them, in another. Their financial occupations equally disqualify them from administering the laws between the proprietors of land and their tenants. Other security therefore must be given to landed property, and to the rights attached to it, before the desired improvements in agriculture can be expected to be effected." Guided by the foregoing principles, and for the reasons above stated, Lord Cornwallis proceeded to divest the Revenue Board of its powers as a Court of Appeal, and the Collectors of their authority to decide in causes relative to the collection of the public revenue; and to refer the decisions of such matters, in common with all suits falling under the cognizance of civil judicature, to a new Court of Adawlut, which was now established in each provincial division, under the superintendence of an European covenanted servant, of higher official rank than the Collector; in whose person were united the powers of Judge and Magistrate, and to whom was to be entrusted the superintendence of the Police within the limits of his division.

The Courts of Justice thus constituted, a register and one or more assistants were appointed from the junior branch of the European covenanted servants; and those of the best qualified among the

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natives were selected and appointed to each Court, a Mahomedan and Hindoo law officer, to expound the koran and shaster, in causes which might be referable to the determination of those authorities. To each Court was allowed a competent establishment of ministerial officers; and for the assistance of the parties in suits, vakeels, or native pleaders were nominated to act, when constituted on special authority for that purpose, in conducting the proceedings under the established rules; which as to the forms of proceeding in the Courts, differed little from those introduced in the same departments in the year 1781.

The local jurisdiction of the several Courts extends to all places included within the limits of the zillahs or cities, in which they are respectively established. All natives as well as Europeans and other persons not British subjects, residing out of Calcutta, are amenable to the jurisdiction of the zillah and city Courts. But British subjects, whether in the service of his Majesty, Civil and Military, or otherwise, are placed under the operation of rules suitable for that purpose, and consistent with the jurisdiction of the Supreme Court in Calcutta, as applying to that description of the Company's subjects. British subjects are not in a public employment, if allowed to reside 10 miles beyond the limits of the latter jurisdiction, are required to subject themselves under penal obligations to the authority of the zillah Courts, in civil suits, wherein the amount sued for shall not exceed 500 sicca rupees; precautions are likewise observed in the regulations, to prevent that interference among the domestics and dependants of his excellency the Nawab at Moorshedabad, which in the discretion of the Court which it concerns may be avoided "taking care at all times and in all matters, to pay every proper attention to the dignity and long established rights of the Nawab."

To prevent the time of the zillah and city Judges from being occupied with the trial of petty suits and thereby to enable them to determine causes of magnitude with greater expedition, they are empowered to authorize their registers to try causes for a value not exceeding 200 rupees. But this power being originally allowed the Judge, under restrictions and obligations for his revision, which by defeating the object of saving his time, rendered it nugatory, the objectionable part of the regulation was rescinded, and the register's decree to a certain amount made final, unless the Judge himself saw

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cause ro revise and reverse it. To a greater amount than the above, the register's decisions were made referable to the Court of Appeal; but the Appeal has since been changed to the Judge of the city or zillah Court. With the same view of relieving the Judge, he has more recently been allowed the discretion of referring causes of a larger amount occasionally to his register's decision, but the decrees of the latter, are no longer final in any case, an Appeal lying from them to the Judge, who is, moreover, empowered at any time to take a suit out of his register's hands, and to try it himself.

As a farther relief to the zillah and city Courts from the trial of petty suits; for the convenience of parties residing at a distance from the seat of justice; and to promote by additional subordinate judicatures, the speedy administration of civil justice, a regulation has been enacted, authorising the appointment of *native Commissioners* to hear and decide, in the first instance, on suits of personal property not exceeding the value of 50 Rupees. These are of three descriptions; namely, *aumeens* or referees; *salisan* or arbitrators; and *munsifs* or native justices. The titles sufficiently designate their functions, which have undergone such modifications, as appeared expedient since their first institution. The cauzees of the four cities and other towns, are referees and arbitrators by virtue of their office; and by a regulation dated in 1803, proprietors and farmers of land, tahsildars and creditable merchants, are eligible under the discretion of the Judge, for the same trust; but the munsif, or native justice, is required to be selected with peculiar care, and reported for appointment to a higher authority. These natives act, under the obligation either of an oath, or a declaration in writing to the same effect, and under restrictions devised to ensure a faithful discharge of the trust reposed in them. Their powers do not extend further than suits for personal property of the value of 50 rupees, and from their decision an Appeal may be had to the zillah or city Judge, who alone has authority to enforce their decrees. The native Commissioners receive no salary, nor are they allowed any establishment; but as a full compensation, receive the institution fee of one anna per rupee, or something more than 6 per cent. on the amount of all causes investigated by them, or settled before them by agreement of the parties.

In all well regulated Governments, it has been deemed expedient to provide against the possibility of unjust or erroneous

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judgments in the Courts of primary jurisdiction, by constituting tribunals of review or Appeal. To render them efficient, it is necessary they should be easy of access; but previously to the year 1793, as already has been noticed, the only Courts of Appeal under the Bengal Presidency, were at Calcutta. In suits concerning rent or revenue, which were excluded from the jurisdiction of the Dewanny Adawluts; and cognizable in the first instance by the Collectors, the Appeal lay to the Board of Revenue, and ultimately to the Governor-General in Council. *In causes decided by the Courts of provincial Dewanny Adawlut, Appeals lay to the Governor-General* and the members of the Supreme Council, before whom (to prevent more of their time being occupied in Appeal, than could be spared from the other departments of the Government) the amount appealable was restricted to one thousand sicca rupees. But under this restriction, it was found that the greater number of causes decided by the provincial Courts, were not appealable; moreover, the distance and expense of travelling, in many cases operated as an exclusion from the Court of Appeal. To remedy these defects, which were experienced in the former judicial system, the Governor-General in Council, by Regulation V of 1793, instituted four provincial Courts of Appeal; one in the vicinity of Calcutta, one at the city of Patna, one at Dacca, and the fourth at Moorshedabad; each Court to be superintended by three Judges (covenanted servants) styled "the first, second, and third Judge of the Court, to which they were appointed:" a fifth Court of Appeal constituted in like manner for the province of Benares, was established in 1795, and a sixth Court, for the Ceded and conquered provinces, has been instituted in 1803. A register, with one or more Assistants from among the European civil servants, is attached to each of these Courts; also three native law officers (a cauzee, moofty, and pundit) with a competent number of native ministerial officers. After various modifications of the rules and restrictions, under which recourse might be had from the inferior tribunals to the provincial Courts of Appeal since 1793, in subsequent regulations passed in the years 1794, 1795 and 1803, it appears that an Appeal now lies to the provincial Courts of Appeal in Bengal, Bahar, Orissa and Benares, in all causes whatever that may be tried by the Judges of the city and zillah Courts in the first instance; but the decrees of the latter, on Appeals from the

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native Commissioners, are final, and likewise from their registers, except for real property, where the decision of the latter is reversed; in which case, an Appeal lies to the provincial Court of Appeal. But the latter Court is allowed a discretion to admit an Appeal in any case, wherein it may see special reasons for so doing. The provincial Courts are empowered to take further evidence, as they may think necessary for the just determination of the suit before them, or to refer the suit back to the Court in which it originated, with special directions to the Judge, regarding the additional evidence he is to receive, as may be deemed most conducive to justice, recording in every case the reasons for exercising the powers thus vested in them. The provincial Court, in common with the city and zillah Courts, are prohibited from corresponding by letter with the parties in suits, or with each other, on matters within their cognizance. All official intercourse is by certificate or precept in writing under the official seal and signature: and every process, rule and order, limits a certain time for the execution and return being made to the same: disobedience or negligence in an inferior Court, being reported to the Sudder Dewanny Adawlut at Calcutta, which has power to suspend the Judge from his office, notifying the same for the determination of the Governor-General in Council. "If any person shall charge the Judge of a city or zillah Court before the provincial Court of the division, with having been guilty of corruption, in opposition to his oath, the provincial Court is to receive the charge and to forward it to the Sudder Dewanny Adawlut; provided the complainant shall previously make oath to the truth of the charge, and give security, in whatever sum the Court may Judge proper, to appear and prosecute the charge when required." On such a charge, the Sudder Dewanny Court proceeds, in a manner which will be hereafter stated. By these rules, which restrict the provincial Court from the exercise of any personal authority over the Judges of the city and zillah Courts the respect due to official character is meant to be maintained; while a strict observance of the regulations, and the subordination requisite for the public service, is preserved by the authority delegated to the Sudder Dewanny Adawlut, under the control of the Governor-General in Council. But the principles on which these rules have been established, may be best explained, by n extract from the Minute of Lord Cornwallis, by whom they were

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introduced, dated 11th February 1793. "To prevent the characters of the Judges being wantonly aspersed, rules should be laid down to deter people from making groundless accusations. The provincial Courts should not be permitted to make enquiries in the first instance, into the charges that may be preferred against the zillah or city Judges, but should be directed to forward them to the Sudder Dewanny Adawlut. This Court shall issue a special Commission to the provincial Court to make such enquiries, and to take such evidence respecting the charges, as it may think advisable. The observance of this formality will be essential; it will not obstruct the bringing forward of well-founded complaints; at the same time, it will operate to deter people from making groundless charges. To delegate to the provincial Courts of Appeal a power to enquire into such charges, without a previous reference to the Sudder Dewanny Adawlut, would in fact be making the Judges of the city and zillah Courts personally subject to their authority. This would even deprive the city and zillah Judges of all weight and consequence in the eyes of the people, and lessen that respect with which it is necessary they should look up to their decisions. The Judges of the provincial Courts should possess no authority over the Judges of the city and zillah Courts personally; their control over them should be only that of a superior Court empowered to revise their decrees, when regularly brought before them in Appeal."

From all decrees of the provincial Courts, in cases where the value of the thing decreed exceeded one thousand rupees, an Appeal was originally allowed to the Sudder Dewanny Adawlut, consisting of the Governor-General and members of the Superior Council, with the cauzy ul cauzzaut, or head cauzy, two moofties, two pundits, a register, Assistants, and other ministerial officers: but the Appeals preferred being found to occupy too much of the Court's time, the limitation for Appeal was, in 1797 extended to suits for money or personal property not exceeding, in amount or value, five thousand rupees. This limitation proving insufficient for the intended purpose, it was in the following year, extended likewise to real property of the same estimated value.

Notwithstanding these alterations in the rules for limiting Appeals, the accumulation of undecided causes so far increased, as to require

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more time for their decision, than could conveniently be spared from the various duties which the Governor-General in Council had to perform. The same observation was applicable to the proceedings in the Nizamut Adawlut, or superior Court of criminal jurisdiction; which court also was composed of the members of the Supreme Government, assisted by the law officers and ministerial officers beforementioned. Moreover it was deemed essential, by Lord Wellesley, " to the impartial, prompt and efficient administration of justice, and to the permanent security of the persons and properties of the native inhabitants of these provinces, that the Governor-General in Council, exercising the supreme legislative and executive authority of the State, should administer the judicial functions of Government by the means of Courts of Justice, distinct from the legislative and executive authority." It was accordingly determined that the Government should relinquish the jurisdiction of the Sudder Dewanny and of Nizamut Adawlut, and place it, in Courts especially instituted ; over which were to preside, three Judges, denominated the Chief, second and third Judges ; the Chief Judge to be one of the junior members of the Supreme Council, and the other two, to be selected from among the covenanted civil servants, not being members of the Supreme Council. By a subsequent Regulation of the Government, however, the Sudder Dewanny and Nizamut Adawluts were made to consist of three Judges, neither of whom was a member of the Supreme Council : But this arrangement was annulled in the year 1807, and a new one adopted ; by which the number of Judges was augmented to four, the Chief Justice being a member of Council, as formerly. Since that period, a regulation has been passed, for augmenting the number of Puisne Judges, according as from time to time, may appear necessary for the despatch of business.

The power of admitting special Appeals in *all* cases which the provincial Courts of Appeal possess, is likewise vested in the Sudder Dewanny Adawlut ; and in all these Courts, the rules for receiving, trying and deciding Appeals and Suits, originally instituted, are, as far as circumstances would admit, founded on the same principles. The Judgments of the Court of Sudder Dewanny Adawlut are final in all cases within the limitations, prescribed by the statute of 21st Geo. 3rd, Cap. 70, Sec. 21, namely £ 5,000, at the medium rate of

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50,000 current rupees; beyond that limitation, an Appeal lies to His Majesty in Council, in conformity to the statute above referred to. But no *rules* having been prescribed by that statute for the admission of Appeals, the Governor-General in Council has established the following to be in force, until His Majesty's pleasure be known thereupon :—" All persons desirous of appealing from a Judgment of Sudder Dewanny Adawlut to the King in Council, are required to present their petition of Appeal to the Sudder Dewanny Adawlut, either themselves, or through one of the authorized pleaders of that Court, duly empowered to present such petition in their behalf, within six calendar months from the date in which the judgment appealed against may have been passed. In cases of Appeal to His Majesty in Council, the Court of Sudder Dewanny Adawlut may either order the judgment passed by them to be carried into execution, taking security from the party in whose favour the same may be passed, for the due performance of such order or decree as His Majesty, his heirs or successors may think fit to make on the Appeal; or to suspend the execution of their judgment during the appeal, taking the like security in the latter case from the party left in possession of the property adjudging against him; but in all cases, security is to be given by the appellants to the satisfaction of the Sudder Dewanny Adawlut, for the payment of all such costs as the Court may think likely to be incurred by the Appeal, as well as for the performance of such order and judgment as His Majesty, his heirs or successors shall think fit to give thereupon. "

It remains to notice such general provisions relative to the whole of the civil Courts, as have not been mentioned, in describing them separately.

For the convenience of suitors in the Courts of civil judicature and to obtain for them the assistance of natives of character and education, better qualified than their private agents formerly employed could be supposed to have been, a regulation was enacted for the selection and appointment of native pleaders, or vakeels, in the zillah and Civil Courts and in the Courts of Appeal, and Sudder Dewanny Adawlut, under the rules and restrictions calculated to secure to their clients a diligent and faithful discharge of their trust. The great number of regulations at this time, and subsequently enacted

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and the form and precision required to be observed in the judicial proceedings, has rendered it indispensable that the natives, who are in general represented as illiterate, should have guides to conduct them through the intricacies of the new institutions. Previously to their practising, the pleaders are required to take and subscribe an oath, binding them to a faithful discharge of the duties they undertake ; and (in consequence, as it is understood, of the greater obligation of a retrospective oath upon the conscience of Mahomedans) pleaders of the Mahomedan faith are directed to be sworn half yearly, to the truth and fidelity of the duties they have actually discharged. To afford the pleaders and all other persons the means of gaining a knowledge of the regulations introduced by the British Government, printed copies and translations are ordered to be kept for public inspection upon a table expressly allotted for that purpose, in every Court room, where any person may refer to them, and take copies. Each Court is moreover furnished with a considerable number of copies of the regulations, for distribution among the vakeels of the Court and others, as far as they will go. The pleader is engaged by a small retaining fee, and ultimately rewarded by a percentage on the amount sued for, which is awarded to him to be received from his client, or from the opposite party, as determined by the decree. Many rules and restrictions for the guidance of the public pleaders, and to ensure their fidelity towards their clients, are provided, which it would be superfluous to insert here, but which are detailed in the code of regulations printed by the Government.

The *choutahy*, or fourth part of the value of property recovered in a Court of judicature, seems to be considered in most parts of the Indian Peninsula, as the compensation or fee due to the ruling power, for the administration of justice. The early abolition of this exaction, on the accession of the British power to the Government of Bengal and in lieu of it, the introduction of a small percentage on the institution of the suit, has been noticed. This institution fee, under subsequent modification, continued to be received until the establishment of the Courts of Dewanny Adawlut and Courts of Appeal, in 1793, under the new system ; when with a view of affording the readiest possible means of relief to such as should be compelled to have recourse to judicial process, it was provided, that no expense whatever beyond the fee of the pleaders, whom the parties might choose to entertain, and the

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actual charge of summoning their own witnesses, should be incurred in the prosecution of any civil suit, or in the Appeal. But this indulgence, arising from motives of humanity, misapplied to a community peculiarly disposed to litigation, was soon found to be productive of such an inundation of suits, as was likely, by overwhelming the provincial Adawluts with business, to put a stop to the course of justice altogether ; and the Government was obliged to have recourse again, in 1795, to an institution fee, as well as to fees on exhibits, established at rates, such as might render law more expensive, without discouraging recourse to it, where the cause of action might be well founded. As a further discouragement to litigation, and with the view of increasing the revenue derivable from stamps, the pleadings in civil suits tried by the Judges and registers of the civil and zillah Courts, and by the Courts of Appeal, as well as all miscellaneous petitions presented to these Courts, are required to be written on stamped paper, of a certain size and description, bearing a duty in proportion to its magnitude. But with a view to afford more speedy decisions in the first instance, on claims for rent or for possession of land, than the forms and deliberate proceedings of the Courts could afford, which was become more necessary in consequence of the removal of all such suits from the Collector's office into the Courts of Justice, a regulation was enacted for a summary mode of proceeding, to be exempt from the usual fees and expenses incurred in other cases. The same exemption from expense is allowed in case of poverty ; but the plaintiff or appellant in *forma pauperis* is required to establish his pretensions by witnesses, and to find bail for his appearance on requisition from the Court, and is placed under such other restrictions as appear calculated to check unnecessary or vexatious litigation. Rules are established for the prosecution of charges of corruption or extortion preferred against the ministerial officers, European or native, attached to any of the civil or criminal Courts of judicature ; and likewise for the investigation of any similar charge against a city or zillah Judge or Judges of any Court of appeal, and for a reference of the case at discretion for trial by special Commission, or to the Sudder Dewanny Adawlut, or before the Supreme Court of Judicature, under the provisions made by Act of Parliament in the latter case.

Besides the forms and mode of procedure prescribed for the

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several Courts, in receiving, trying, and deciding causes, subsidiary rules of various kinds have been established for the security and benefit of the natives; among which perhaps the most important is that for preserving to them their own laws and usages, in certain cases, originally introduced by the plan for the administration of justice in 1772, and continued in the existing regulation, in the following terms:—"In suits regarding succession, inheritance, marriage and caste, and all religious usages and institutions, the Mahomedan laws, with respect to Mahomedans, and the Hindoo laws with regard to Hindoos, are to be considered the general rules by which the Judges are to form their decisions;" for the assistance of the European Judges, the Mahamedan and Hindoo law officers, attached to each Court, expound the law of their respective persuasions by written answers put to them for that purpose, quoting the books of authority which they follow. It is not usually deemed necessary to subject the proceedings to the delay which would ensue from a reference to the law officers, in all matters of contract and dealings between individuals; but, in all cases of an intricate or special nature, not expressly provided for by the regulations or when the parties themselves particularly desire it, it is customary, and obviously consonant to the general rule, that the matter in contest, should be determined by the law of the parties. In one instance, wherein the custom of succession to a zemindary differed from the law of succession to landed property, the Government has interfered in favour of the latter, since the acknowledgment of proprietary right by the Company in the zemindars. This custom, which accords with the general law of England, had been established from immemorial usage in Bengal, Bahar and Orissa, whereby zemindaries of great extent, on the death of the possessor, devolved entire to the heir, in exclusion of his relations, who were entitled to a suitable maintenance only from the produce of the state. This custom has been abrogated by Regulation XI of 1793, as tending to prevent the general improvement of the country.

The regulations above cited, with another, for supplying ascertained defects in the Mahomedan laws relative to loans and interest, with provisions for defining and securing the rights of landlords and tenants, appear to be the whole of the rules which the British Government has yet found it necessary to prescribe, in amendment of the

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established laws and usages of the country, upon matters of private contract and inheritance. But the right has been reserved, and declared, by which the Government may, at any time, introduce remedial or supplementary laws, such as further experience may suggest to be expedient and necessary for the benefit of the inhabitants at large. These, whenever the necessity for them occurs, are required to be printed and submitted for previous inspection and approbation at home, in the mode prescribed by Act of Parliament.

For the purpose of preserving the records of the Courts of Judicature, and to facilitate the means of reference to them, two native keepers of the records are appointed for each of the city and zillah Courts, civil and criminal, the provincial Courts of Appeal, and the Sudder Dewanny and Nizamut Adawlut. In the several Courts of civil justice, is likewise required to be kept a diary of proceedings, in which every order or act of the Court is to be minuted in the language in which it is issued, with reference to the pleadings, depositions, exhibits, and other papers, read and filed in each cause ; and for the information of the Sudder Dewanny Adawlut, the zillah and city Judges are required to furnish a monthly report of causes decided by themselves, their registers, and the native Commissioners in their respective jurisdictions.

The provincial zillah and city Courts are allowed to adjourn annually during the Hindoo festival called *dussarah*, which is fixed, and occurs in parts of the Engilsh months of September and October; and during the Mahomedan fast, which is moveable. The Court of Sudder Dewanny has a discretion allowed for its adjournment.

The Criminal Courts of Justice.

It has already been noticed, that the introduction of the new system of internal Government in 1793, divested the Collectors of the office of Magistrate, as well as of Judge ; and transferred these functions to the zillah and city Judges. Previously to entrance on his office, the Magistrate takes an oath, binding himself to perform the duties required of him by the public regulations, to the best of his ability, to act with impartiality and integrity, and not to accept himself, or knowingly allow any one acting under him, to accept, any fee or reward, or any emolument, beyond what Government authorize. His local jurisdiction as Magistrate is co-extensive with his jurisdiction as Judge ; and all persons, Europeans as well as

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natives, not being British subjects, are amenable to his authority. Natives residing within the town of Calcutta, or within the local jurisdiction of the Supreme Court of judicature, are not of course included in the rule cited. To obviate the ill consequences which might result from the exemption in favour of European British subjects remotely situated, the Magistrates are required to qualify themselves by oath, taken before one of the Judges of the Supreme Court of Judicature, to act as justices of the peace; and rules are specially provided for the apprehension and conveyance to Calcutta, of persons of the above-mentioned description, who may render themselves liable to criminal prosecution in the Supreme Court.

It is declared to be the duty of the Magistrate, "to apprehend murderers, robbers, them, housebreakers, and persons charged before him with crimes and misdemeanors; and in certain cases, such as abusive language, calumny, assaults or affrays, he is authorized to pass sentence himself, though subject to the control of the Courts of Circuit and Nizamut adawlut, and to punish the offender with corporal chastisement, imprisonment or fine, within certain limits. These powers have been since enlarged by Regulation the IX of 1807, whereby the Magistrates are authorized to pass sentence on petty thefts, and other offences, not exceeding 12 months' imprisonment, or a fine not exceeding 200 sicca rupees. A discretion is, by the same regulation, allowed to the Magistrate, in regard to the rank and condition in society of the person accused, whom he may have to summon or apprehend, lest, by implicitly following the original mode prescribed for his guidance in such cases, he should violate the rules of decorum so scrupulously observed among the natives and thereby inflict unmerited disgrace, or provoke new crimes. The same consideration for the customs and deep-rooted prejudices of the natives, has suggested various modifications of the rules originally established for compelling appearance before the Magistrate, in cases which require it, or for proceeding to confiscation of property, and proclamation of outlawry, in the event of incorrigible contumacy or resistance to process on the part of the accused; and it is not altogether improbable, that towards the inhabitants of the provinces recently brought under the British dominions, still farther relaxation may be required from the strictness of the original rules founded on the practice of European judicature, than may be necessary in Bengal

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and other parts of the country which have been longer under the British dominion, where the inhabitants are consequently better qualified to comprehend the reasonableness of a system, which disregards rank, and in the dispensation of justice, nearly confounds all distinction of society.

The Registrar of the city or zillah Adawlut, and his Assistants' are Assistants to the Magistrates. The services likewise of the native law and Ministerial officers, are common to both Courts; to which also, in some instances, are attached *sebundy*, or provincial corps of native troops, especially embodied to guard the jail, and applicable to any service the Magistrate may require.

The jails appear to have been, formerly, any building in the vicinity of the Court of Justice, which could conveniently be hired or appropriated for the purpose. Under the new system, prisons have been erected, at a great expense, on plans, separating the debtors from the criminals, and prisoners under sentence from those detained for examination, or for further evidence. In these prisons also, the women are kept apart from the men, and every attention is paid to the health and suitable accommodation of the prisoners. The European Surgeon of the station is required to afford his medical aid with that of a native Physician acting under him; and, to ensure, a strict observance of the rules established for these purposes, a report is required by the Nizamut Adawlut from the Judge of Circuit, of his having visited the prison in person, and of the state in which he found it.

Depositions before the Magistrate are written commonly in the Persian and Bengal language and character, on separate papers, signed, attested and arranged according to their respective dates. But the original regulation still in force, requiring a record of all complaints, and the orders upon them to be kept in the English language, has been found so burthensome and useless, as to have become obsolete in practice. This is very much to be regretted. It appears to your Committee, that a body of English records would be found, in the course of time, highly valuable to British India, and to the learned and philosophical in Europe, as opening new views of society and manners.

When the Magistrate has satisfied himself as to the nature of the case before him, he either releases the prisoner, admits him to

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ball, administers the punishment within the limits of the power delegated to him, or commits him for trial before the Court of Circuit.

The Magistrates, on receiving notice of the time when the Judges of Circuit are expected to arrive, require, by public advertisement, the attendance of all persons admitted to bail, as well as of all prosecutors and witnesses bound over to appear before the Court of Circuit. On the arrival of the Judges of Circuit, the Magistrates lay before them a calendar of the prisoners committed or held to bail, specifying, besides the names of the prosecutors and prisoners, a brief statement of each case. The calendar is accompanied by the proceedings of the Magistrates on each charge, and all material documents relative thereto. A second calendar, containing the particulars, and accompanied by proceedings, in all cases, of prisoners apprehended on charges cognizable by the Court of Circuit, but discharged for want of evidence; and a third calendar of persons tried for crimes and misdemeanors, cognizable by themselves and their Assistants, specifying the charge and the sentence.

Reports are made monthly by the Magistrates to the Nizamut Adawlut; 1st, of persons apprehended, specifying the name, date of charge, and the order passed thereupon for punishment, committed for trial before the Court of Circuit, or released: 2nd, of casualties by death, removal to other stations, or escapes, and of prisoners released: 3rd, of prisoners sentenced by the Court of Circuit in each month: 4th, a report of prisoners whose trials are under reference to the Nizamut Adawlut: 5th, a report of sentences received from the Nizamut Adawlut in the present month: 6th, a report of prisoners under charge of the Magistrate to be tried by the Court of Circuit. The Magistrates also transmit to the Nizamut Adawlut, half-yearly reports of convicts in confinement under sentences, within twenty days after termination of Session, by the Court of Circuit;—And in the month of January, two annua reports are, by a late regulation to be furnished, of all Criminal cases depending before the Magistrate and his Assistants, specifying the name of the accused, and the particulars concerning his case: 2nd, an abstract statement of the number of robberies, and other crimes of a heinous nature, reported by the Police officers to have been committed within their respective jurisdictions, in the course of

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the preceding English year ; the number of persons supposed to have been concerned in the commission of such crimes, and the number apprehended and convicted, or committed for trial, before the Courts of Circuit. The object of the last report appears to be for the information of the Government, of the crimes which may be prevalent in the different districts, and of the efficiency of the measures adopted for the suppression of them.

When the numerous duties required of the Magistrate, in his double capacity of Judge and Magistrate, together with the precision and strictness of the rules under which he acts, are considered, it will not appear unreasonable that he should be allowed to delegate a portion of his magisterial functions to his Assistant : accordingly, the Magistrate may empower his Assistant, when he shall have taken the prescribed oath, to decide on petty charges and misdemeanors, to the same extent that he himself is authorized by the original regulation of 1793. But these powers are delegated only in cases of necessity from want of time, and then under restrictions, which would render the Magistrate censurable, were errors frequently committed by his Assistant. Before an explanation be given of the mode of procedure in the Courts of Circuit, it may appear necessary to say a few words on the nature of the laws by which those Courts are guided.

In making the Mahomedan law the rule for the administration of criminal justice, the British Government has followed the practice of the Mogul Government, reserving to itself, the right of introducing such alterations and modifications, as reason and humanity may suggest. The Koran is commonly understood to be the standard of the Mahomedan law ; but, containing few passages applicable to the ordinary occurrences of life, the deficiency is supplied by numerous commentators, not only on the text, but on the traditional accounts, precepts, actions and decisions of their prophet. These writings are the productions of eminent lawyers, from among the two religious sects which divide the Mahomedans all over the world—the *Shya*, followers of *Alee* : and the *Sonees*, or more general traditionalists. The authoritative writings of *Aboo Haneefa*, and his disciples *Aboo Yoousuf* and *Imam Mahommud*, who were of the latter sect, govern judicial decisions in India. When no precedent can be found in these authorities, but in the decisions

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of subsequent lawyers, the cauzee is by the Mahomedan rule, directed to abide by the judgment of the latter; and in the want of precedent altogether, the cauzee may exercise his own judgment. The principal distinctions of the Mahomedan Penal Code are classed as follows: 1st, *Kissas* or retaliation, including *disjut* or the price of blood. 2nd, *Hoodwd*, or prescribed penalties. 3rd, *Tazeer* and *Seasut*, discretionary correction and punishment. The nature of the first may alone be sufficient to suggest the necessity which the British Government, at an early period of its administration, felt, for interfering to control the futwas, or sentences of the Nazim, when given on the principle of retaliation, or of the fine for blood. In 1772 some additional rules were introduced, for the punishment of a particular description of public gang robbers, termed Decoits, concerning whom more will be noticed under the head of Police. But on the assumption of the Nizamut, or administration of criminal judicature, in 1790, and the reform of the Courts of Circuit, and formation of the new code of regulations in 1793, a wider range was taken in modifying and supplying the defects of the Mahomedan law, for the Government of decisions to be passed in the provincial criminal Courts. The most important and necessary of these alterations were, in overruling the distinctions made by Aboo Haneefa, and directing, that in determining on the punishment to be inflicted for the crime of murder, the intention of the party, rather than the mode or instrument used, should be considered; in controlling the seasut, or discretionary correction, and introducing a remedy to the obstruction of justice, arising either from interference or neglect on the part of the heirs of the person murdered, and in commuting sentences of mutilation to imprisonment and hard labour. The deficiencies of the Mahomedan authorities were supplied, in regard to what might be deemed an adequate punishment for perjury and forgery, or subornation of either of these crimes, which have a peculiar prevalence among the natives of India; and to this intent, in addition to the ordinary punishment, the gross offence is marked in characters indelible on the offender's forehead.

For the punishment of gang robbery, the Government found it necessary, in 1807, to enact special rules; the Mahomedan code not furnishing anything sufficiently applicable to the peculiar

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character and practice of the banditti, termed Decoits, who infest the lower provinces of Bengal, and appear to carry on their depredatons more frequently and to a greater extent of late, than in former times. The latest measures to which the Government have had recourse, for the suppression of decoits, will be noticed in the IIId division of this Report.

The right existing in the Government, to alter the Mahomedan law, appears to have been virually recognized in the Act of the 13th George III., chap. 63, sect. 7, vesting in it authority for the ordering, managing and governing, "in like manner (as the Act recites) to all intents and purposes whatever, *as the same now are, or at any time heretofore might have been exercised* by the President and Council in Select Committee;" because it was *then* before the legislature, that the President and Council *had* interposed, and altered the criminal law of the province in 1772. Such alterations, and all future necessary amendments thereof, appear, by the above clause, to be legally sanctioned; and it may be observed, that the alterations in question, are sufficiently justifiable on the principles of reason and humanity.

The Government has also deemed it expedient to take measures for putting a stop to the barbarous practices of certain Hindus, not sanctioned by their shaster, in devoting the life of infants to the sacred waters; of certain Hindoos of high caste in Benares, who, on a prospect of inability to provide suitably for their female children, were induced not unfrequently to put them to death; and of other castes of Hindoos, who, with a view to deter the execution of legal process, or in revenge for a supposed injury, would murder their females or their children, under a persuasion that by such means, they could command and direct spiritual vengeance against their adversaries. But in regard to immolation in the various modes practised by self-devoted victims, who are invariably Hindoos, no further interference is permitted to take place, on the part of the Magistrate, than may be necessary to ascertain from the party, that the resolution taken has been voluntary, and in nowise influenced by improper means.

The public Regulations in 1799 and 1804, provide for the trial of persons charged with crimes against the State; and in the event of war and open rebellion existing in any part of the British provinces, the Governor-General, by a special regulation of 1804, may suspend

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the ordinary functions of the criminal Courts, and authorize the introduction of martial law. And the Government, "for reasons of state," has reserved to itself, the power of ordering into confinement, and retaining there, any persons whatever, where the exigency of the case may appear to require it.

Originally, there were four Courts of Circuit, each consisting of the three Judges, who composed the provincial Courts of Appeal, with the native law officers attached to those Courts. The same registers and the same native officers are attached to both Courts. They act under the obligation of an oath specially prescribed; and the native law officers of the Court of Circuit take a retrospective oath every six months, for the reasons before stated, in the case of the native pleaders. In 1795, a fifth Court was established for the provinces of Benares, and in 1803, another Court of Circuit for the provinces obtained by treaty from the Nawab of Oude. Under the jurisdiction of the latter, was afterwards (in 1805) placed the territory conquered from Scindeah in the Doab and on the right bank of the Jumna; and in 1806 an adjustment of the zillah and city jurisdictions,(comprehending the entire provinces under the Bengal presidency) being made, the whole were included in the divisions of the Courts of Circuit, according to the following arrangements:—

CALCUTTA DIVISION:

"1. Burdwan;—2. Jungle Mohauls;—3. Midnapore;—4. Cuttack;—5. Jessore;—6. Nuddea;—7. Hoogly;—8. Foreign Settlements of Chinsurah, Chandernagore and Serampore;—9. Twenty-four Pergunnahs."

DACCA PROVINCE:

"1. Mymensing;—2. Sylhet;—3. Tipperah,—4. Chittagong;—5. Backergunge;—6. Dacca Jelalpore;—7. City of Dacca."

MOORSHEDABAD DIVISION:

"1. Bhaugleпore:—2. Purne;—3. Dinagepore;—4. Rungpore—5. Rajeshahy—6. Beerbhoom;—7. City af Moorshedabad."

PATNA DIVISION:

"1. Ramghur;—2. Bahar;—3. Tirhoot;—4. Sarun;—5. Shahabad;—6. City of Patna."

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BENARES DIVISION.

"1.—Mirzapore;—2. Allahabad;—3. Bundlecund;—4. Juanpore;—5. Goruckpore—6. City of Benares."

BAREILLY DIVISION:

"1. Cawnpore;—2. Furruckabad;—3. Etawah;—4. Agra;—5. Allyghur;—6. South Saharunpore;—7. Mooradabad;—8. Bareilly."

The jail deliveries at the four principal cities are held monthly; that of the 24-Pergunnahs (in the vicinity of Calcutta) quarterly; those of the other zillahs, half yearly. By the original regulation of 1793, the Judges of each division formed Courts for the Circuit; one consisting of the first Judge, accompanied by the register and moofty; the other of the second and third Judges, attended by the second Assistant and cauzy. As this necessarily closed the provincial Court during the absence of the Judges, it was ordered, in 1794, that two of the Judges should hold the two Courts of Circuit; while the third in rotation remained at the latter station, to execute the current business of the civil Court; but this too much obstructed the decision on Appeals, for which the presence of two Judges was necessary. It was therefore, in 1797, enacted, that instead of two Judges holding a jail delivery, one of the two junior Judges should proceed in turn on the Circuit; while the senior, with the other, remained for the decision of appealed civil causes at the sudder or chief station. This rule remains still in force, with the exception (by a regulation in 1806) of the senior Judge being now required to take this turn on the Circuit, in common with the other two.

The Judge of Circuit holding the half-yearly jail delivery, proceeds to the residence of the Magistrates of each zillah, within his division, and remains there till he has gone through the calendar, which the Magistrate lays before him on his arrival. The proceedings of the Court of Circuit are ordered to be conducted in the following manner: "The charge against the prisoner; his confession, which is always to be received with circumspection and tenderness if he plead guilty; the evidence on the part of the prosecutor; the prisoner's defence, and any evidence which he may have to adduce, being all heard before him; the cauzy or moofty (who is present during the whole of the trial) writes at the end of the record of the proceedings the futwa or exposition of the Mahomedan law, applicable to the

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circumstances of the case, and attests it with his seal and signature. If the futwa of the law officers acquit the prisoner, and the Judge, after attentively considering the evidence and circumstances of the case, concurs in such acquittal; or if the futwa declare the prisoner to be convicted of the charge, or of any part of it, and the Judge concur in such conviction, and be by the regulations empowered to pass a final sentence on the case without reference to the Nizamut Adawlut, he is to pass sentence accordingly, and to issue his warrant to the Magistrate for the execution of it. If the Judge of Circuit disapprove the futwa, and have not by any regulation been authorized to pass sentence, then, notwithstanding such futwa, whether, for the punishment of the prisoner, or for his acquittal or discharge, if the prisoner be duly convicted, and liable to a sentence of perpetual imprisonment or death, the proceedings upon the trial are to be referred for the sentence of the Nizamut Adawlut. If the Judge of Circuit concur with the law officers in the conviction of the prisoner or prisoners, and none of them be liable to a sentence of death, the Judge is empowered to pass sentence; but the sentence, in all cases referable to the Nizamut Adawlut, is not final until confirmed by that Court. In all trials referred, the Judges are required to notice in their letters accompanying the proceedings, the particular cases, which under the public regulations are deemed proper to incur capital punishment, imprisonment for life, or extension or mitigation or remission of punishment; stating at large the grounds of their judgment whether for or against the prisoner."

If the Judge of the Circuit disapprove the opinion of the law officers, on any reference to them on points of law, or on any question arising in the course of the trial, not especially provided for in the public regulations; he is nevertheless to be guided by it, but he may withhold passing sentence, until the proceedings in the case, together with his own objections, have been referred for the consideration of the Nizamut Adawlut.

In the mode prescribed for the attendance of the witnesses and taking their depositions, care is taken to preserve the decorum due to sex and condition, according to the customs of the country.

As soon as practicable after the conclusion of each trial, a copy of the record is transmitted to the Nizamut Adawlut, accompanied with an English letter, stating the opinion of the Judge on the

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evidence adduced. The record includes the whole of the proceedings, with every examination and material paper taken by or delivered into Court, and Persian translations of all examinations which may have taken been down in any other language. The whole of the papers and proceedings received by the Magistrate upon the case referred, are also transmitted.

On the return of the Judges from their Circuit, they are required to make a report to the Nizamut Adawlut, containing such observations as they have made during the Circuit, touching the effects of the present system in the prevention and punishment of crimes; the state of the jails, the treatment and employment of the prisoners, and whatever matters appear to deserve the notice of the Court.

These reports are forwarded to the Government by the Nizamut Adawlut, accompanied with their observations upon them, containing as they are understood to do, the most authentic representations of the state of the country, and the operation and effects of the internal Government. These documents are of great importance, and highly merit the attentive consideration of the superior authorities in this country.

The Court of Nizamut Adawlut or superior criminal Court, as constituted by the regulations of 1793, consisted of the Governor-General and members of the Supreme Council; but for reasons before stated, it was in 1801 enacted, that the Court of Nizamut Adawlut should thenceforth consist of three Judges, to be denominated respectively, Chief Judge, and second and third Judge of the Nizamut Adawlut, assisted by the head Cauzy of Bengal, Bahar, Orissa, and Benares, and by two Moofties; the Chief Judge to be one of the two junior members of the Supreme Council, and appointed by the Governor-General in Council, and the other two, to be selected and appointed by the same authority from among the covenanted servants of the Company, not being in Council. The regulation constituting one of the members of the Council the Chief Judge, was, in 1801, rescinded by Regulation X of that year, which provided that the Chief Judge should be selected, like the other two, from among the covenanted servants, not being of the Supreme Council. This provision was however altered by a regulation of 1807, already referred to, which directs that the Court of Sudder Dewanny Adawlut and Nizamut shall revert to what they were in 1801, with the addition of a fourth Judge in each Court, to be

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chosen as the other two Puisne Judges are, from among the covenanted civil servants of the Company; and a regulation was passed in 1811 for empowering the Government to extend the number of Judges, as occasion might require.

The Judges of the Nizamut Adawlut, or superior Criminal Court, take and subscribe the oath taken by the Judges of Circuit: the register and law officers are also sworn in like manner, as the same officers in the Courts of Circuit. The mode and order of proceeding, and the execution of process, are alike in all the Criminal Courts, except that lately, owing to increase of business in the Nizamut Adawlut, the Judges may hold separate sittings, and pass sentence; except in cases where the single Judge so sitting does not concur with the Judge of Circuit before whom the trial took place, in which case the presence of another Judge must be had before the sentence can be passed; and a similar provision has likewise been made, enabling one law officer to do, what it originally required two to perform.

The Court of Nizamut Adawlut takes cognizance, and submits to the Governor-General its observations on all matters relating to the administration of justice in criminal cases, and to the Police, and exercises the general powers entrusted to the late naib nizam, the Nawab Mahomed Reza Khan; but its authority, and the exercise of its functions are more defined; and by the regulations printed in the country languages, are meant to be made generally known. In cases of life and death, as well as in all cases of corporal punishment, fine and imprisonment, the sentences of the Nizamut Adawlut are final. A power of remission or mitigation of punishment is however reserved to the Governor-General in Council, whereby any unreasonable rigor, or any other objection observable in the futwa, as proceeding from the peculiar quality of the Mahomedan law, may be obviated.

The Police.

From the description which has been given of a zemindary under the native Government, it will appear that, aided by numbers of inferior officers, maintained in the different villages, the zemindar must have possessed considerable power within his limits, more especially when his zemindary was of great extent. It has also been noticed that the Asiatic Governments inclined to the establishment of individual authorities, in gradation from the sovereign downwards to the

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village Mockuddum or Mundul. It was consistent with this principle, that the zemindar exercised the Chief authority, and was entrusted with the charge of maintaining the peace of his district or zemindary. In his official engagement, he became bound to apprehend murderers, robbers, house-breakers, and generally all disturbers of the public peace. If he failed in producing the robber, or the thing stolen, he was answerable to the injured person for the amount of the loss. If the zemindary was farmed, the farmer who possessed the authority incurred the same responsibility: and when committed to the charge of an officer on the part of the Government, the same responsibility, and the means of supporting it, devolved on that officer. The means thus provided, were ample for maintaining the peace; and when properly directed, could not fail of efficiency, from the great number of individuals who might at any time, be called forth in defence and for the security of the inhabitants, consisting not only of the pausbauns or village watchmen, whose special duty it was to be always in readiness for that purpose, but all those likewise over whom the zemindary authority extended. But this institution had, under the old Government, fallen into a state of disorder; and it was not thought expedient to attempt its re-establishment. The reasoning upon this, as upon some other topics at this time, proceeded, as in the preamble to the Regulation XII of 1793, more on the abuse that had been experienced of the authority in question entrusted to the zemindars, than on the means which might have been found for restoring and applying it, to the public benefit: and concluded with a declaration of the expediency of calling on the zemindars to discharge their Police establishment, and of prohibiting them from entertaining any such establishments in future. Divested of the power, they were of course relieved from the responsibility, in regard to robberies committed within their limits, unless it should be proved that they connived at, or were accomplices in the offence, or "omitted to afford every assistance in their power to the officers of Government for the apprehension of offenders."

The new scheme of Police introduced by the regulation alluded to has divided the country into Police jurisdictions of ten coss or twenty miles square. Each division is guarded by a darogah with an establishment of armed men, selected and appointed by the Magistrate of the zillah. The darogah is empowered to apprehend

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on a written charge, and to take security for appearance before the Magistrate, when the offence is bailable. In other cases, he is required to send the prisoners to the Magistrate within a limited time unless for petty assaults and the like, in which cases the Magistrate himself may decide, and wherein the parties themselves agree to drop proceedings. Under such circumstances, the darogah is allowed to receive a written testimonial of conciliation termed *razenamah*, and to discharge the prisoner.

The pausbauns, pykes, and other descriptions of village guards, who still have their subsistence from the village establishment, are, by the regulation above cited, placed under the authority of the darogah, who keeps a register of their names, and on a vacancy occurring in their number, calls on the zemindar, to whom the privilege still appertains, to fill it up. As an encouragement to vigilance in the darogahs, they are allowed ten rupees from the Government on the conviction of every deceit or gang-robber apprehended by them, and ten per cent. on the value of stolen property recovered, provided the thief be apprehended.

The cities of Patna, Dacca, and Moorshedabad, are divided into wards, guarded by darogahs and armed parties; the whole, subject to the superintendence of an officer retained from the former system-denominated cutwal, to whom the General Police of the city, and regulation of the market, was entrusted. It does not appear that any oath of office has been required from the darogahs and cutwals; but being appointed on the recommendation of the Magistrate, he may be considered to a certain extent, responsible for their general good conduct; they moreover all give security for their good behaviour, and are further declared punishable in the event of their violating the trust reposed in them. For the city and province of Benares, a deviation was allowed from the system in Bengal, in compliance with the recommendation of the resident, on his carrying into effect the settlement of the revenue in that district, in the manner which will be hereafter noticed. The resident was probably aware of the powerful means, when called into action under suitable superintendence, which the zemindar possessed, of maintaining the peace of the country; and therefore, instead of annulling his authority he proposed to render it efficient, by regulations adapted to that purpose. The zemindars and Tahsildars were accordingly vested

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with the functions of Police officers under the responsibility imposed upon them by the former system, with rules for their guidance, similar to those established for the Police darogahs of the lower provinces. In the city of Benares, and in the principal towns, Jewanpore, Ghazepore, and Mirzapore, the local experience of the resident appears to have justified the introduction of regulations for the Police, differing in some particulars from the system established for the principal cities in Bengal and Bahar, and better adapted to the circumstances of those places, and the temper of the people, than the latter would have proved.

An establishment of Police similar to the one above described for Benares, was in 1803 introduced into the provinces of Oude, lately obtained by treaty from the Nabob ; and in the following year into the more recent acquisitions of territory obtained by conquest from Dowlut Rao Scindeah, and by cession from the Peshwa. The regulation by which the latter introduction has been made expressly provides, "that the zemindars, farmers and other holders of land shall not be exonerated from the duties and responsibilities imposed on them by the terms of their existing engagements or by the ancient and established usages of the country, for the prevention of robberies and other disorders, and for the maintenance of peace and good order within their limits."

The systems of Police thus established for the territorial possessions held under the Presidency of Bengal, continued in force till the year 1807, when a considerable alteration of them was found to be expedient.

Experience had made it evident to the Government that the system of Police introduced in 1792, and confirmed by the printed regulations of 1793, was inadequate to the purposes proposed ; and that a necessity existed for again calling in zemindary aid, to the assistance of the Police darogahs. The measures taken on this occasion by the Government, for a partial recurrence to the former system of Police, will be stated in the next division of this Report, where the Committee propose to enquire into the practical effects which have been experienced from the new system of internal Government introduced in 1793.

Before they proceed to the third general head of their Report, on the practical effects of the foregoing system, the Committee propose

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to notice the measures which have been pursued by the Bengal Government, for introducing the same system of internal Government into the province of Benares, and into the territory more recently acquired by treaty from the Nawab Vizier, and in commutation of subsidy, and by conquest from the Mahratta States.

BENARES.

The strong objections entertained by Lord Cornwallis against the principles and the practice of the native Asiatic Governments in India, induced his Lordship, at an early period of his administration, to direct his attention to Benares, with the view of extending to that province, the same reforms which he was preparing to introduce into Bengal. To effect this, it was necessary to prevail on the Rajah to relinquish the exercise of those zemindary functions, combined with a degree of regal authority, which, if the British Government did not acknowledge him by right to possess, they always allowed him to exercise; and to consent to the restoration of those land-holders whom the severities of his ancestors had either driven from the province, or compelled to descend to the station of cultivators. The negociations and preparatory measures for these purposes were conducted, under instructions from the Supreme Government, from the years 1787 to 1794, and ended in the conclusion of an agreement dated 27th October 1794, whereby the Rajah relinquished the administration of his zemindary concerns into the hands of the British Government, with the exception of what related to certain lands of inconsiderable extent, which had been hitherto the patrimony of his family, when inferior zemindars, or enjoyed as jagheers or regal grants from the Mogul Government. Over these lands, the Rajah retains some share of his former authority; but in all other parts of the province, it was agreed that the Governor-General in Council should "introduce the same system and rules for the administration of justice, and for "the concerns of the revenue, as were, in 1793, established within the provinces of Bengal, Bahar, and Orissa."

Notwithstanding this explicit relinquishment of all interference in the revenue concerns of the province, the second article of the agreement endeavours to preserve the semblance of authority for the Rajah in a mode so peculiar, as to induce the Committee to insert it.—Article 2nd "The revenue settlement made of the lands within the rauje of Benares, &c., having taken place with the privity and approbation

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of Rajah Mehipnarrain Behauder, the pottahs or leases, and farigh khutties or acquittances thereof, are passed under the seal and signature of the said Rajah to the aumils, zemindars, and farmers; and the dufter or office, and kezanchee or treasurer of the said Rajah having always remained for the carrying on of the country (i. e. revenue) business, the said signature, seal, office and treasurer, are to remain in force and be continued as usual."

How the Collector of the revenue has been able, consistently with his obedience to the constituted authorities in Calcutta, "to continue the Rajah's said signature, seal, office and treasurer, in force as usual" may appear difficult to conceive, unless it has been under the influence of that authority to which it is probable the Rajah has found it prudent on all occasions to submit, without entering into those contests which the ambiguity of the terms quoted, might otherwise give rise to. By this agreement, the *istemerary* pottah or permanent grant made by the Governor-General in 1781 was recognized, whereby the revenue of the zemindary of Benares was fixed in perpetuity at 40 lakhs of rupees; and as all above that amount which the province might and probably would produce under the new management, would be an excess on the fixed revenue, which the Government could not consistently with its engagement appropriate to its own advantage, it is provided, that one lakh of rupees, out of this surplus, shall be enjoyed by the Rajah; and that the remainder, to whatever amount it may arise, after defraying the expense of the new judicial revenue and Police establishments, together with that of a Hindu college instituted for the study of the vedas and shastras, "shall be applied under authority of the Company's Government to the repairing of roads, the construction of bridges, the promotion of the cultivation &c."

The resident Mr. Jonathan Duncan, to whom was assigned the important duty of modifying the Bengal code of regulations to the circumstances of Benares, had already, by an attentive local investigation, and by temporary arrangements made during the eight years that he had superintended the affairs of the province, prepared the way for the proposed reforms. On the 27th May 1795, the settlement he had made of the land-revenue was, by a regulation of the Government, declared perpetual; and the whole code of regulations, as modified by his recommendation, was at the same time extended to Benares.

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Under these regulations, the city of Benares, with a certain extent of country round it, formed a judicial division, and the rest of the province was distributed into three other divisions. To each of these jurisdictions, was appointed an European covenanted servant as Judge and Magistrate, with an establishment of European Assistants and native officers, similar to what has been described in the lower provinces. A Court of Appeal and Circuit was established at the city of Benares, for the administration of criminal justice throughout the province ; the Chief Judge of which was constituted Agent to the Governor-General in political concerns. The land-revenue of the entire province was placed under the superintendence of one Collector, and the whole of these officers were placed under the authority and control of their respective heads of departments at the seat of Government in Calcutta.

The principal points to which it was found necessary to direct the attention of the resident, in modifying the Bengal code to the circumstances of Benares, appear to have been the following :

On the relinquishment of the Rajah's functions as zemindar and in the course of the president's investigation of the affairs of the province, the land-holders with whom the settlement was to be made, appeared to be on a footing somewhat different from the zemindars of the lower provinces. They are officially designated "for the most part as *village zemindars*, paying the revenue of their lands to Government jointly with "one or more *puttedars* or partners, descended from the same common stock;" the designation adds, that "some of these puttedars have had their interior puttees or shares, rendered distinct; whilst those of the major part, still continue annexed to, and blended or in common, with the share or shares of the principal of the family, or of the headmen among the brethren, being either one or more, whose names have been usually inserted in the pottahs, cabooleats and other engagements for the public revenue." There are others denominated "talookdars, who have depending on them a greater or less number of village zemindars, many of whom, retain the right of disposing by sale of their own estates, subject of course to the payment of the usual jumma to the talookdar." These talookdars, by the terms of perpetual settlement, "are left to assess their village zemindars, either in proportion to their own sudder jumma, with

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some addition for the charges of management, or according to the extent and value of the produce, as local custom or the good will of the parties may direct." It should appear from this, that more distinct traces of the ancient Hindoo revenue system remained in Benares, than existed in Bengal, during the enquiries which were prosecuted, preparatory to the introduction of the permanent settlement of the land-revenue in that province.—The village zemindar of Benares appears to be the mockuddim found in certain parts of Bahar, and the Potail of the Carnatic, both of whom are headmen of villages, who are responsible to the Government, for maintaining and promoting the cultivation of the land, and who in the first-mentioned portions of territory possessed the right of disposing of their situations by sale or gift to others, who might enter upon them under the same obligations of service and might enjoy the same advantages as their predecessors, either in a distinct share of the produce, or in having the settlement or farm of the village made with them, on such terms as might be agreed to, on the part of the Government. The division of the crop between the Government and the cultivator, in proportions which varied in a small degree in different parts of the country, appears to have furnished the rule for estimating the assessment of revenue, in the settlement which was rendered permanent. This settlement, after the best endeavours of the resident to accommodate it, to the principles of proprietary right in the land, has left many points in the code of regulations, scarcely reconcileable with such a tenure, and still to be referred to the ancient local usages, and the records of the canongae's office. The conongoes, whose functions were abolished in Bengal, were continued in Benares under the permanent settlement, and the support of them "in the full exercise of their functions," made an express condition, in the written engagements entered into on the part of Government with the land-holders. The turbulent habits prevalent among the newly restored zemindars, rendered it expedient to continue them for a limited period, under the same native officer who had been employed during the former administration, termed aumil. The functions of this officer (who was and is employed under most of the native Governments) partook of the joint nature of farmer and Tahsildar or Collector of the revenue. He was made answerable, under personal and collateral security, for the payment into the

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Collector's treasury of the full amount of the public assessment on the lands comprised in his division, though he engaged not to collect from the land-holders more than their stipulated shares of that assessment; and therefore, as a compensation for the trouble and risk, and in reimbursement of the expense of the undertaking, he was allowed a salary, computed at 11½ per cent., on the amount he collected. Under the native Governments it is not unusual for the aumil to exercise the whole authority, civil and military, within his division, and to be the arbiter in cases of life and death. In Benares, after the introduction of British influence, he had been restricted to the exercise of his functions, as an officer of the revenue and Police; the expense he unavoidably incurred in the latter department was understood to be provided for, in the salary above-mentioned. Provision was made for the gradual abolition of this office, by a regulation which permitted the emancipation of a land-holder from the aumil's authority, whenever he should apply for, and be found deserving of that indulgence, and for the payment of his revenue directly into the treasury of the Collector.

The sale of land by auction, or in any other way, for realizing arrears of land-revenue, appears to have been unusual, if not unknown in all parts of India, before its introduction by the British Government into the Company's dominions. In the present settlement, it appears introduced into the cabooleats or voluntary agreements of the land-holders, in the following terms: They bind themselves to "pay the stipulated annual revenue punctually, and agree, in case of failure, that their property real and personal, shall be sold to make good the deficiency." In the lower provinces, the zemindars had been relieved from the charge, and prohibited from taking any concern in the Police. In Benares, the resident deeming the authority, information and influence naturally acquired by the aumils or Tahsildars and land-holders, the strongest foundation on which the efficiency of Police could be established, prevailed on the Government to allow a deviation from the Bengal system, so far as to commit the charge of the Police to the aumils jointly, and subordinate to them, to the land-holders and farmers of land, under the responsibility for robberies or thefts committed within their respective limits, which they had been subject to, under the Rajah's Government. The whole were placed under the Magistrate's control, with rules

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for their guidance, similar to those which had been established in the lower provinces.

The code of regulations for Bengal, Bahar, and Orissa, has, with little alteration been extended to Benares, and the Civil and Criminal laws administered are the same, in both those parts of the Company's dominions; but in consideration of the high respect paid by the Hindoo inhabitants to their character, the Bramins of Benares have received some special indulgences, in the mode of proceeding against them, on criminal charges; and it has been further provided in their favour, that in all cases where by the law a Bramin would be adjudged to suffer death, the sentence shall be changed to transportation, or otherwise mitigated at the discretion of the Government. On the other hand, it having been discovered that the Bramins residing in certain parts of the country, occasionally converted the reverence paid them into the means of distressing individuals, and of evading the laws, the Government has interfered to suppress these practices:— among these, were the holding out the threat of obtaining spiritual vengeance on their adversaries, by suicide, or the exposure of the life, or the actual sacrifice of one of their own children or near relations. Occurrences of this nature, were not on any pretence in future, to be exempt from the ordinary cognizance of the Magistrate, and the usual course of the criminal law. Another tribe of Hindoos, designated *Rajekoomars*, were accustomed to destroy their female infants, in consequence, as it has been understood, of the difficulty experienced in procuring matches for them in marriage, suitable to their high caste. The resident having prevailed on the Rajekoomars formally to renounce this custom, under penal obligations, any future observance of it, subjects the party offending to the ordinary punishment of murder.

Subsequently to the introduction of the foregoing regulations into Benares, the Judicial establishment at Ghazeepore was withdrawn; and the province is now divided between the jurisdictions of the provincial Courts of Juanpore and Mirzapore and the city Court of Benares. The Police, established at the recommendation of the late resident, has also undergone a material change, by being withdrawn from the Tahsildars (native Collectors of the Revenue) and the landholders, and entrusted to the charge of darogahs, or native Justices of the Peace, on small salaries, as in the lower provinces

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of Bengal, Bahar and Orissa.—The inexpediency of this alteration in the system first established, your Committee will notice hereafter, when they come to treat on the present state of the Police under the Bengal Presidency.

The Ceded and Conquered Provinces.

The Committee have next to notice the acquisition of an extensive and populous tract of country, obtained by treaty, in the Soubahdarry of Oude; and to explain the system of internal administration introduced into those valuable provinces, which are officially designated the Ceded Districts in Oude.

By the treaty alluded to, bearing date the 20th November 1801, his Excellency the Nawaub Vizier, in commutation of subsidy, ceded to the honourable the East India Company in perpetual sovereignty, the provinces above-mentioned, yielding, according to the schedule, an annual gross revenue of Lucknow sicca rupees 1,35,23,474 or about £1,600,000 sterling.

On the removal of the Nawaub's officers, the affairs of the Ceded Districts in Oude were placed under the superintendence of a Lieutenant-Governor and Board of Commissioners, to whom were confided the settlement of the revenue and the formation of a temporary scheme of internal administration, which was intended to continue, till sufficient information should be acquired of the circumstances of the country, to warrant the establishment of a more permanent system. Under this temporary provision, the European civil servants of the Company acting under the orders of the Lieutenant-Governor, and stationed in the districts into which the acquired territory was divided, possessed individually the entire civil authority, officiating as Collectors of the revenue and Judges and Magistrates within their respective limits. The functions of the Commissioners were more laborious, and of yet greater importance than those of the Judges of Appeal and Circuit in the lower provinces; their duties requiring them to assist the Governor-General in Council, and the Lieutenant-Governor, in the formation of laws and regulations adapted to the state and condition of the dominions recently obtained; and in their capacity of a Court of Circuit and Appeal "to superintend the administration of the laws over a great extent of country, and over a race of people, unaccustomed to

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any regular system of order or law, and habituated to commit the utmost excesses of violence and oppression."

The duty of the Collectors combined the labour and difficulty of ascertaining the resources of a new country; of settling a system of law and revenue, in all its details, and of collecting that revenue, with the arduous charge of administering the offices of Magistrate and Judge to a people, such as has just been described.

The affairs of the Ceded Districts in Oude, continued under the administration thus formed, till the beginning of the year 1803; when a settlement of the land-revenue having been concluded for a period of three years, and the other purposes of the Lieutenant-Governor's appointment being accomplished, the Lieutenant-Governor resigned his office; and the Commission for the provisional Government of those provinces, was dissolved.

Though the proceedings of the Commission had been regularly submitted for the approbation of the Governor-General in Council, the Lieutenant-Governor, on his resignation of office, delivered in a summary of the arrangements which had been made in the Ceded districts; from which the following particulars have been obtained:

The collection of the land-revenue for the year in which possession was received from the vizier's officers, proceeded on the existing engagements with the land-holders and aumils or native Collectors: but on the expiration of that year, the foundation was laid for a permanent assessment, by the conclusion of a settlement for three years with the land-holders, in all instances, where it was found practicable, on the terms proposed. In other cases, the lands were let to farm, and in a few instances, the collections were left to be made from the cultivators, by the officers of Government. These engagements for the land-revenue proceeded in some instances, on *russud* or annual augmentation founded on the expectation of increased cultivation; and the increase thus obtained for the third year of the settlement over the estimate at which the lands had been received in commutation of the subsidy, appears to have been 32,99,589 Lucknow sicca rupees, or an advantage gained by the cession, of more than 19 per cent. on the vizier's rent roll. In addition to this, a prospective augmentation of the revenue was expected by the Lieutenant-Governor from a new regulation of the customs, from a duty imposed on the sale of spirituous liquors, and

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from an extension to this part of the Company's dominions, of the monopoly of salt; which altogether would, after deducting the expenses of establishments necessary for the administration of an improved system of Government, augment the financial resources of the East India Company, by a considerable excess in their nett receipts from Oude, over and above what had ever yet been obtained from the vizier, on account of subsidy. The actual amount thus stated in prospect, by the Lieutenant-Governor, was 56,38,012 Lucknow sicca rupees, or more than half a million sterling per annum; and although the expectations thus formed, have not in every instance been fulfilled, the revenue realized since the cession, has, under the disadvantages of an unfavourable season, and after temporary incursions of cavalry in the course of the late Mahratta war, exceeded the amount formerly received, as subsidy. The advantages, however, which the Supreme Government had in view, from the acquisition of these provinces, were chiefly of a political nature, to be derived from internal arrangements calculated for the security of property, and the tranquillity and happiness of the native inhabitants.

The internal administration to which the servants of the East India Company succeeded in Oude, appears to have been of the worst form of those described in the former part of this Report. The Nawab Vizier having divided his territorial possessions among aumils or native Collectors (who entered into agreements for the payment of a stipulated amount of revenue) committed the entire authority and control, civil and military, over the inhabitants, to their discretion. The land-holders were chiefly of the class which has been described in Benares, as village zemindars; but there were others of higher rank, who bore the title of Rajah, and appear rather, in the condition of tributaries than of subjects. While these persons discharged their assessment of revenue, they were left to the exercise of absolute dominion within their limits. They possessed strong holds garrisoned by their adherents, and not unfrequently withheld the revenue, till compelled to the payment of it, or to a compromise by the approach of a military force. The negligences, defects and abuses, which prevailed in the Government of Oude, are forcibly stated in many documents which have been laid before the House, and particularly in a paper addressed by the late MARQUIS

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CORNWALLIS, when Governor-General, to the late Nawab Vizier, dated the 12th August 1793. In this paper, Lord Cornwallis earnestly exhorted his Excellency to exert himself in effecting those reforms in the internal administration of his affairs, which appeared indispensable, not less for his own ease, than for the introduction of order and regularity among his subjects. His Lordship did not propose an introduction of the system which had been recently applied to Bengal; but a reform of the system which properly belonged to the Vizier's dominions; a recurrence to which, in its more perfect state, under a just and vigorous administration, would in his opinion, have been sufficient to restore the affairs of Oude to the flourishing condition in which they had been left by *Sujah ul Dowla,* at whose death, his lordship reminded the Vizier, that he succeeded to "a full treasury, disciplined troops, a regular revenue, and submissive subjects."— It may have been in consideration of these circumstances, and of the inexpediency of a sudden and violent change, that LORD WELLESLEY was induced on the acquisition of these provinces, to frame his first institutions for the management of them, more on the model of the native Governments, than on the system introduced into the Lower Provinces. Hence, the entire authority for the collection of the revenue, the administration of justice, and the preservation of the public peace, was centered in one individual civil servant, appointed to superintend each provincial division. The checks upon the collection of the land rents, existing in the putwarries or village accountants, and in the canongoes or public notaries, were left untouched; and the Police was entrusted to the land-holders and native Collectors, under the responsibility to which they had been always accustomed.

The same considerations which influenced the adoption, might have induced, a continuance of this mode of internal administration, till the natives should have had the benefit of a longer acquaintance with their European rulers; but the strong encomiums which had uniformly been bestowed on *Lord Cornwallis's* institutions, had probably influenced the determination, by which the Bengal regulations were introduced into the Ceded provinces of Oude, with a degree of precipitation, that appears, on no other grounds to be intelligible.

The application of the Bengal code of regulations to the provinces ceded by the Nabob Vizier, bears date the 24th March 1803.

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The regulations are printed and published for general information, as in the lower provinces; and such modifications have been added, as the condition of the natives of the new country rendered advisable.

The Ceded provinces are divided into seven zillahs or districts; in each of which, are stationed a civil servant, exercising the functions of Judge and Magistrate, and another civil servant exercising the functions of Collector of the revenue. A Court of Appeal and Circuit is established at the town of Bareilly, and the establishments of registers, assistants, and native law and ministerial officers to these departments, are such, as have been described in Bengal.

In the department of the Police, the system introduced into Benares has been adopted in preference to that of Bengal; and the Tahsildars or native Collectors, and principal land-holders, are accordingly vested with powers for the apprehension of all robbers and other disturbers of the public peace, under the obligation of either producing the offender, or of making good the loss.

In the department of the revenue, a regulation was enacted recognising and confirming the triennial settlement of the land-revenue, made by the Board of Commissioners, and approving the separation of the sayer or impost duties, from the mehaul or land-revenue, made at the same time; notifying also, that at the expiration of the triennial term, another settlement would be made, with the same persons (if willing to engage) for three years, at the fixed equal annual jumma or assessment, to be formed by taking the difference between the annual amount of the first lease, and the actual yearly produce of the land at the time of its expiration, and adding two-thirds of such difference to the annual rent of the first lease; at the expiration of this term, a settlement for four years would be made, with the same person, if willing to engage, at a fixed equal annual jumma, formed by adding to the annual rent of the second three years, three-fourths of the net increase of the revenue during any one year of that period." It was further notified, that at the end of the last mentioned term of four years (completing altogether the term of ten years, from the first settlement) a permanent settlement would be concluded "with the same persons (if willing to engage, and if no others with a better claim should come forward) for such lands as might be in a sufficiently

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improved state of cultivation to warrant the measure, on such terms as the Government should deem fair and equitable. In these terms, the Supreme Government pledged itself to the land-holders for the introduction of a permanent settlement of the land-revenue, at the expiration of a period, such as originally was proposed as experimental for the same purpose in Bengal; but without the reservation then observed, of the approbation of the Court of Directors to confirm the agreement. It may however be presumed that this omission was an oversight; which a subsequent regulation repaired, when the Government had to determine on the system of internal administration, which it might be proper to introduce into another extensive acquisition of territory, more recently annexed to the dominion of the East India Company, in the same part of India.

The provinces alluded to are those which were conquered from the Mahratta chieftains, Scindia and the Berar Rajah, and others, which about the same time, were ceded to the East India Company by his Highness the Peshwah, in commutation of subsidy. The former comprehend the principal part of the Dooab or tract of country confined between the rivers Ganges and Jumna, the country situated on the right bank of the latter river from its leaving the mountains of Cashmeer to near its confluence with the Ganges; and the province of Cuttack, situated westward of Midnapore, and uniting, by the course of the sea-coast, the provinces subject to the Bengal Presidency to those under the Presidency of Fort St George. The latter acquisition or ceded territory consists of the province of Bundlecund, situated on the right bank of the Jumna, above Allahabad.

These provinces, with the exception of Cuttack and Bundlecund, were, during the continuance of the Mahratta war, placed under the general control of his Excellency the Commander-in-Chief, the late Lord Lake; whose orders, the civil servants entrusted with the immediate charge of them, were directed to obey; but in 1805, after the conclusion of peace between the British Government and the Mahratta chieftains, the lands in the Dooab, and on the right bank of the Jumna, with the exception of the city and the vicinity of Delhi, were formed into five districts, under the administration of judicial and revenue officers, and placed under the control of the superior authorities at the presidency, in the same manner as the Ceded provinces in Oude, to which these are contiguous. The city of Delhi,

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and a tract of country round it, have been continued under the nominal authority of the Mogul; but are really under the Government of the British resident.

The Government determined to extend to these provinces the code of regulations which had recently been introduced into the Ceded distrtcts of Oude; and the vicinity, and similar habits of other people rendered little modification of the regulations necessary. On this occasion, the British Government notified to the land-holders in these provinces, the plan which it was intended to adopt for the settlement of the land-revenue. This plan was precisely the same as that which has been described, in reference to the Ceded districts in Oude, namely, the sayer or impost duties, to be separated from the mehaul or land-revenue; and settlements of one, three, and four years in succession. to be concluded; the last of which settlements was to become permanent, if agreed to by the land-holders.

These terms, though promulgated in a printed regulation of the Government, could not in every part, be rigidly adhered to; a severe drought had diminished the produce of the harvests in a degree that rendered remissions of the current revenue unavoidable; and it seems at length to have occurred to the Government, that in the promise of settlement in perpetuity, at the expiration of the term specified, they had exceeded their authority, and gone beyond the powers assumed on a former occasion by Lord Cornwallis, who promised such a settlement to the land-holders in the lower provinces, only on the condition of the future approbation of the Court of Directors. The Government accordingly, in Regulation X, 1807, supply this omission, by informing the land-holders, that the settlement for the term of four years, being fixed in perpetuity, will depend on the confirmation of the Court of Directors being obtained to that arrangement.

When the settlement made for three years approached to a termination, and it became necessary to prepare orders for the settlement of four years, which might, in consequence of the notification, become permanent the Government deemed this a measure of so much importance, as to require the superintendence of a special commission, which was therefore appointed. The Commission consisted of a member of the Board of Revenue, and another experienced civil servant, with a Secretary, Accountant and Assistant and a competent establishment of native officers. In this Commission, was vested the general

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control of the revenue affairs of the Ceded and conquered districts, with the exception of the territory assigned for the support of the Royal family at Delhi, and the province of Cuttack; the powers and authority delegated to the Commissoners being the same, as those which before had been exercised in these provinces, by the Board of Revenue.

In communicating to the Court of Directors the establishment of a Commission for the above purpose, the Government observed, that the distance of the Ceded and conquered provinces from the presidency; and the difficulty of obtaining accurate information respecting the actual resources of the land, had demonstrated, that the control of the Board of Revenue (in whom that duty had been vested from the time of the dissolution of the subordinate Government of the Ceded provinces) was less efficient in the formation and adjustment of assessments, than was desirable, considering the great importance of the duty, both to Government and the landholders; and that these and other local reasons had rendered the Commission necessary.

Having entered on the execution of their Commission, it appears that doubts began to be entertained, of the expediency of concluding a permanent settlement, in the newly acquired territory; and it was deemed advisable to call for the opinions of the Collectors, which were accordingly given in answer to queries, circulated by the Commissioners on the various points connected with the measure in question.

It is to be regretted, that the detailed proceedings of the Government, and the Commissioners, on this subject, are not yet arrived from India; the copies orignally sent having been lost with the ships which conveyed them; but the result is collected from the general correspondence of the Bengal Government.

The Commissioners, in their final report on this interesting and important subject, under date the 13th April 1808, stated their opinions to be adverse "to the immediate conclusion of a permanent "settlement in the territories subject to their control;" and as they were probably apprised of its being the fixed determination of the Government to carry through the proposed arrangement, at all events, resigned their offices, rather than be the instruments of measures, which their judgment, founded on local observation, could not approve.

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It is impossible to suppose, the Commissioners in delivering their opinions, could have been actuated by any other motive than a consciousness of the inexpediency of the measure ; nor is any other motive imputed to them by the Government. It is therefore to be regretted that their proceedings are not yet before the Committee, as it is probable, that their reasons, adduced against the immediate introduction of a permanent settlement, will be found to proceed on local circumstances, presenting obstacles to an arrangement, which, on general principles, the Commissioners themselves might be ready to approve. The Government letter of the 15th September 1808, which announces the resignation of the Commissioners, refers to their report, and to the Minutes recorded in Council, which are stated to be in answer to it. The letter itself contains no further argument in support of the measure, than an appeal to the discussions which led to the permanent settlement in the lower provinces ; and to the experience which has been had of its favourable effects, in that part of the country. In a subsequent despatch, of the 31st August 1810, the Government avoid entering into any detailed discussions, "because" (as they observe) "the principal reasons which can be assigned *a priori*, for the measure, have already been submitted ; and because the reports and information which they were from time to time receiving from the new Board of Commissioners, (appointed in the room of those who had resigned) would probably, when complete, establish the expediency and sound policy of the measure, beyond a question."

It is not at all surprising that the Court of Directors should not have been convinced by arguments founded on general principles, when the propriety of the measure proposed to be adopted in these provinces, depended altogether on local reasons, or a knowledge of the resources of the country recently acquired, and on the actual fitness of the people to receive the benefits which might be intended for them. In all these particulars, the prevailing weight of evidence is decidedly against the immediate conclusion of the perpetual settlement in these provinces ; and accordingly, the directors, in their reply, stated it to be *not* their intention to proceed immediately to the introduction of such a settlement in the Ceded and conquered provinces, "because it would be premature to fix in perpetuity the land rents of those countries, at so early a stage of their connection with them, when their knowledge of the revenue

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actually derived from them by the zemindars, and of their capability must be necessarily imperfect, and when the people are yet, so little habituated to their Government." They further proceed to observe, "that the mistakes committed in the settlement made of the lower provinces under all the advantages, that a long experience of their resources afforded, and the inconveniences which were felt from it, though the natives had been so much longer under the British Government, suggested the danger of precipitancy in the measure proposed, and point out the propriety of great caution and deliberation being observed, in proceeding to a measure, which is to be irrevocable."

The Court of Directors were not at this time, in possession of the report of the Commissioners, which had been forwarded to England on one of the lost ships. A copy of it, was afterwards received; and having been taken into consideration, a letter was despatched to India at the latter end of last year, in which the Court adopted a still more decided language against any immediate or early measures for permanently settling the Ceded and conquered provinces; and restricted the Government abroad from entering into leases, for a longer period than five years. In this despatch, they defer giving any opinion upon the system of administration which it may eventually be proper to introduce into those provinces, the revenues of which have not been definitively fixed, intending at an early period, to convey their sentiments fully on the subject: and state their impression, as produced by the perusal of the document above referred to, "that the proposed final settlement of the revenues of these territories would be premature, supposing the arrangement otherwise to be completely unexceptionable: that it would be attended ultimately, with a large sacrifice of revenue; that they were by no means sufficiently acquainted, either with the resources of the country, or with the rights and ancient customs of the different classes of land-holders to venture upon a step of so much importance, and in its nature, irrevocable; and that whether the measure may be eligible at a future period, and what modifications it may be prudent to apply to it, are questions, which will remain open for discussion." The intention of the Bengal Government to proceed to the conclusion of a permanent settlement was announced to the inhabitants of the Ceded and conquered provinces, in a regulation, bearing date so

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long before, as the 24th March 1803, wherein the approbation of the Court of Directors, as a condition, is omitted. This omission, as the Committee have already stated, was supplied by a subsequent regulation.

Though the two Commissioners appointed in the room of those who resigned, will probably be more compliant than their predecessors, and proceed to execute the orders of their superiors, without waiting to enquire into and discuss the expediency of them, yet it may be presumed, that, on the receipt of the foregoing instructions the Bengal Government will postpone the proposed settlement, to give time for more ample information being transmitted to the Court of Directors than has yet been furnished, respecting the nature and resources of the new acquisitions; the extent of the land cultivated, and of that capable of being made so; the quality and value of the produce, the land tenures; the mode of collecting the rent, whether in money or by a division of the crop, with the proportions of the latter, allotted to the Government, its officers, and the cultivator; the recent history of the revenue administration, and the local usages; the character of the inhabitants, with other objects which might suggest themselves in the course of a local enquiry. All these particulars, the Court of Directors will naturally desire to be made acquainted with, before they proceed to give their sanction to arrangements, which are to define and establish the land tenures, and fix, in perpetuity, the amount of territorial revenue to be derived to the State.

The Committee have now reported on the system of internal Government, introduced by Lord Cornwallis, and established by a code of regulations promulgated in 1793; and have, in each Department of Revenue, Judicature and Police, noted such modifications as were soon after adopted, to render those regulations more perfect.

The Committee have also stated the manner in which the same system has been extended to the Province of Benares and to the territories lately acquired by treaty from the Nawaub Vizier, and by commutation of subsidy and conquest from the Mahratta States.

The Committee will next proceed to explain the practical effects of the new system, from the period of its introduction, down to that of the latest advices received from India.

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III.

ON THE PRACTICAL EFFECTS OF THE NEW SYSTEM OF INTERNAL GOVERNMENT.

THE REVENUE DEPARTMENT.

Under the Native Government, and to a certain extent, under the British administration of the Indian provinces, previous to the late change of system, it had been customary for the land-holders of distinction, and other principal inhabitants, to maintain, in proportion to their rank, an intercourse with the ruling power; and in person, or by vakeel (or agent) to be in constant attendance at the seat of Government, or with the officer in authority over the district, where their lands or their concerns were situated. To establish an interest at the Durbar, and to procure the protection of some powerful patron, were, to them, objects of unceasing solicitude. This intercourse and these pursuits, were at an end, or had become useless, under the new system; the zemindar was become vested with proprietary right in the land: the assessment on it, to which he had voluntarily acceded, was permanently fixed, and he was referred to the code of regulations, as the only protection any longer necessary to maintain him, in the possession and enjoyment of these benefits. As long as he should conform strictly to the rules therein laid down for his guidance, he would have nothing to fear; but might with confidence look to the administration of the laws for his security; on the other hand, it behoved him, with diligence and accuracy, to inform himself fully in regard to what those laws were, lest he should expose himself to the penalty to be incurred by a breach of them.

The improvement of the country, and the security and happiness of the inhabitants, which the Government expected would follow gradually from this change of system, equally depended on a due conformity throughout the community, to the regulations introduced; and it was rendered of importance, therefore, that the operation of the regulations, whether favourable or otherwise, should be distinctly known.

To this end, general encouragement was given to the European servants employed in the different departments; and it was declared by Regulation IX of 1793, to be a point of duty for the Judges of Circuit, to report officially their observations on the subject: and a form

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was provided, for bringing under the notice of the Government, any imperfections in the exsiting laws, and for proposing a remedy, in the form of new ones. The first exercise of this duty appears to have occurred, on the following important occasion.

The new system had abolished, under severe penalties, the exercise of the power formerly allowed the land-holders, over their tenantry and cultivators, and of the Collectors of the revenue, over the land-holders ; and had referred all personal coercion, as well as the adjustment of the disputed claims, to the newly established Courts of Justice.

The regulation which, in pursuance of these principles, provided for the liquidation of the dues of Government, by the sale of the defaulter's lands, was sufficiently brief and efficient ; but the rules for the distraint of the crop or other property, founded on the practice in Europe, and intended to enable the zemindars to realize their own rents, by which means alone they could perform their engagements with the Government, were ill understood, and not found to be of easy practice. In the Courts of Civil Judicature, the accumulation of causes undecided, had proceeded to such an extent, as almost to put a stop to the course of justice ; or, at least, to leave to a zemindar little prospect of the decision of a suit instituted to recover payment of his rent, before his own land, by the more expeditions mode of procedure, established against him by the Government, was liable to be brought to sale in liquidation of an outstanding balance. These circumstances were brought under the notice of Government so early as the year 1795, by the Board of Revenue, in consequence of representations which had been made to them from different parts of the country ; and particularly from the extensive and populous district of Burdwan, where the number of Civil suites, pending before the Judge, was stated to exceed thirty thousand ; and where, by computation, it was shown, that in the established course of proceeding, the determination of a cause could not, from the period of its institution, be expected to be obtained, in the ordinary course of the plaintiff's life.

The Goverrtment in their answer to the Board of Revenue, and in their observations addressed to the Court of Directors, appeared unwilling to admit that the evils and grievances complained of, arose from any defect in the public regulations ; and in regard to some

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particular instances which were stated, the Government ascribed them chiefly to the mismanagement, which had long marked the conduct of many of the principal zemindars ; a correction of which might be looked for from time, and the operation of the principles of the regulations. The very grounds of the complaints which had been brought forward, the Government further observed, namely, those whereby the tenantry were enabled to withhold payment of their rents, evinced that the great body of the people employed in the cultivation of the land, experienced ample protection from the laws, and were no longer subject to arbitrary exactions. It appears, however, that the evils complained of did not affect the cultivators, but zemindars ; who now in their turn, suffered oppression from the malpractices of the former, and from the incompetence of the Courts of Justice to afford them redress ; and as a further progress of them, was likely to affect the interests of the Government, by exposing portions of the land sold, to the hazard of a reduction in the rates of the assessment, as well as the property of the zemindars, it became indispensable that a remedy should be applied. The Government accordingly proceeded, first to modify the rules for distraint ; the object of which, as far as they were meant to afford the land-holders the means of enforcing payment from the tenantry and cultivators, were found to be counteracted by some of the restrictions under which they were to operate. The objectionable clauses were therefore repealed, and a new regulation introduced for remedying those defects. Additional Courts of Adawlut were established ; and the number and powers of the natives entrusted with the decision of suits of small amount, were immediately increased and enlarged ; but, with respect to the delay which had been ascribed to the established forms of proceeding, the Government did not think any alteration necessary, observing that "forms were equally essential to the due administration of justice, and to the quick decision of causes." The efficacy of the reforms thus introduced, the Government observed, would appear from the operation of the regulation, which required periodical reports to be made by the Judges of Circuit ; and in regard to the state of the business in the Courts of Justice, a new regulation was enacted, requiring monthly and half-yearly reports to be made, of the decision of causes, as well as of the number remaining on the file in the several Courts of Justice throughout the country.

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In announcing to the Court of Directors these measures of reform, it was stated; that the discussions which led to the adoption of them, would evince the beneficial operation of the new system of internal administration; in which it was provided, that in the event of any of the regulations being found inadequate to the end proposed, or productive of inconvenience, the evil would become immediately forced upon the notice of Government, in a shape, which, while it marked its nature and extent, would suggest the application of a proper remedy.

The experience of the four following years, did not justify the expectations formed with regard to the efficacy of the remedies applied; but shewed, that he inconveniences and grievances complained of, still prevailed. The revenue was not realized with punctuality; and lands to a considerable extent, were periodically exposed to sale by auction, for the recovery of outstanding balances. In the native year 1203, corresponding with 1796-7, the land advertised for sale comprehended a jumma or assessment of sicca rupees 28,70,061 the extent of land actually sold bore a jumma or assessment of sicca rupees 14,18,756 and the amount of the purchase money sicca rupees 17,90,416. In 1204, corresponding with 1797-8, the land advertised was for sicca rupees 26,66,191, the quantity sold was for sicca rupees 22,74,076, and the purchase money sicca rupees 21,47,580. Among the defaulters, were some of the oldest and most respectable families in the country. Such were, the Rajahs of Nuddea, Rajeshaye, Bishenpore, Cossijurah, and others; the dismemberment of whose estates, at the end of each succeeding year, threatened them with poverty and ruin, and in some instances, presented difficulties to the revenue officer, in their endeavour to preserve undiminished the amount of the public assessment.

It was however remarked, that during the period which had now passed since the introduction of the permanent settlements, although the revenue had not been realized with the punctuality which might have been expected, yet neither the assets nor the amount realized, had fallen below the amount of former periods, but had even exceeded that standard of comparison. In proof of this, the Government, in a letter of 31st October 1799, refer the directors to their orders of 12th April 1786; wherein their expectation of an assessment was stated at sicca rupees 2,60,00,000, whereas the average of the actual collections, since the conclusion of the settlement, had exceeded that amount by

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more than five lacs of rupees annually, besides an available balance, which remained at the end of the preceding April, of sicca rupees 29,00,000.

The Government further observed, that this had been effected, though the personal coercion formerly practised, had been abandoned, and the most scrupulous punctuality observed, in maintaining inviolable the public engagements; that whenever a deviation had taken place, it had never been with a view to augment the resources of the Government, but on the contrary, to relieve the individual, by a sacrifice of the public interest.

These observations were probably made, with a view to reconcile the directors to what might otherwise appear an unfavourable state of affairs in the Revenue Department; for, besides the distresses, which as before-mentioned, had befallen a large portion of the principal zemindars, and the continual advertisements which were made in the public newspapers, of land on sale for the recovery of arrears, the territorial revenue was so far from being realized with the facility and punctuality deemed necessary, that some of the members of the Board of Revenue, in consequence of the heavy balances which at this time occurred, went so far as to recommend and strongly to urge a recurrence to the former practice of confining the land-holders, for enforcing the payment of arrears. This, the Government declined adopting, on the ground that it would have a tendency to degrade the characters, and weaken the authority and respectability of the land-holders, and thereby deprive them of the influence derivable from personal exertion, at a moment when the state of their affairs rendered personal exertion, most necessary for their relief. The Government was of opinion, that the fear of losing their estates which were liable to sale to liquidate the balance of revenue, would operate more powerfully with the zemindars, than any considerations of personal disgrace; and they deemed it essential to strengthen, rather than adopt any measure which might reduce, the power of the zemindars over their under-tenantry, who, it appeared had, under the general protection afforded by the Courts of Justice, entered into combinations; which enable them to embarrass the land-holders in a very injurious manner by withholding their just dues, and compelling them to have recourse to a tedious and expensive process, to enforce claims which ought not to have admitted of dispute.

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In explaining to the Court of Directors this state of affairs, it was observed, that the licentiousness of the tenantry, although its effects, involving the zemindars in ruin, were in particular cases to be regretted, indicated nevertheless a change of circumstances which ought to be received with satisfaction, inasmuch as it evinced the protection intended to be afforded by an equal administration of justice, to be real and efficient; and shewed that the care and attention which the directors, with so much solicitude had urged the Government to observe for preventing the oppression formerly practised by the more powerful land-holders, had not been exerted in vain; and that in the success of those exertions, a foundation had been laid for the happiness of the great body of the people, and in the increase of population, agriculture and commerce, for the general prosperity of the country. On a Minute entered by a member of the Board of Revenue, respecting the ruin of some of the principal zemindars and a great proportion of the land-holders, the Government observed that it was unnecessary to refer to any other than the ordinary causes of extravagance and mismanagement, to account for what had happened in the instances in question, which were not such, as in a series of years, should excite any surprise; that "it had been foreseen that the management of the large zemindaries would be extremely difficult, and that those immense estates were likely in the course of time, to fall into other hands, by becoming gradually subdivided, an event which however much to be regretted, as affecting the individual proprietor, would probably be beneficial to the country at large, from the estate falling into the possession of more able and economical managers." On the same subject, in a subsequent despatch, wherein the Government notice the ruin of the Rajahs of Dinagepore and Rajeshaye, whose estates had been at different times attached, and at length wholly sold, it is remarked, that it would be a satisfactory reflection, that what had happened to these large zemindaries, would place the lands in the possession of better managers, who might be expected to improve the country, and with their own interest to promote those of the industrious cultivators of the soil, and to extend the general prosperity of the country.

It was thus, in explaining to the authorities at home, the effects and tendency of the new system, that the Government generally

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found something to commend. When the operation of the regulations proved adverse to their expectations, in one respect ; in another something had occurred to console them for the disappointment, by shewing that some different, but equally desirable end, had been attained. Thus, though the rules for distraint of property, instead of supplying the exercise of power formerly allowed the zemindars, had enabled the tenantry and cultivators to combine (as it is asserted) and ruin their landlord ; yet this circumstance, it was observed, evinced that the great body of the people experienced ample protection from the laws, and were no longer subject to arbitrary exactions. Thus too, when the sale of estates, and the dispossession of the great zemindars were, to be announced, it was remarked that however much the ruin of these defaulters was to be regretted, the directors would perceive with satisfaction, that the great ends were obtained by it, of dividing their estates, and of transferring the lands which composed them, into the hands of better managers.

These remarks your Committee cannot but notice, would appear inconsistent with the sentiments of liberality and benevolence, which are displayed through many parts of the India correspondence, and might suggest a doubt in regard to the sincerity of the intentions expressed by the ruling authority, for the prosperity of the principal zemindars, were it not certain that at the time they were written, the Government and its principal officers were assiduously employed, in devising remedies for the evils complained of. This appears in the ample discussions which took place on the subject, and in the enactment of new regulations which were introduced on the occasion. But before the Committee proceed to explain these measures, they propose offering a few remarks on the apparent causes which reduced the land-holders to a condition as above exhibited, so different from what might have been expected, under the operation and influence of the new system.

The principal cause of the distresses alluded to, appears to have grown out of the condition introduced into the permanent settlements, which declared, that the land should be held, as a security for the amount of the revenue assessed upon it, combined with the circumstance under which that condition was enforced, for the recovery of arrears of revenue.

Under the native Governments, the recovery of arrears from

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defaulters was sometimes attempted by seizure and confiscation of personal property, or by personal coercion. The zemindar might experience the mortification of having the administration of the zemindary taken out of his hands, and entrusted to a sezawul. He might be imprisoned, chastised with stripes, and made to suffer torture, with the view of forcing from him the discovery of concealed property. He was liable to expulsion from the zemindary. He might be compelled to choose either to become Mussulman, or to suffer death. But under whatever degree of adversity the zemindars might fall, or whatever might be the extremity, or injustice, or cruelty practised on them, they had still the consolation of preserving their rank, and of being considered as *zemindars*. They themselves might come under the displeasure of the Government, and experience its severities; but their families would still maintain the consideration due to their station in society, with the chance of recovering, in more favourable times, possession of their zemindaries. The policy of those Governments, was adverse to the dispossession of a zemindar, who, by means of his family connexions and caste, might return and disturb the possession of his successor. Hence it appears, that even in cases where the zemindar, from rebellion or other misconduct, was deemed deserving of death, the succession of a near relation, or of an infant son, or of a widow placed under tutelage, was generally deemed preferable to the introduction of a stranger to the possession of the zemindary.

Under the British administration, down to the period of the introduction of the permanent settlement, and the new code of regulations it had not been usual to resort to the sale of land for the recovery of the arrears of revenue; and in a Minute recorded on the proceedings of the Board of Revenue in July 1799, it is asserted, "that from the Company's acquisition of the Ceded lands (consisting of the 24-pergunnahs, the districts of Burdwan, Midnapore and Chittagong) comprehending, until the formation of the permanent settlement, a period of thirty years; and from the accession to the Dewanny until the above-mentioned time, there had hardly an instance been found of the property in landed estates having changed hands, by cause of debts, either public or private; certainly of the large ones, none." Although the engagements entered into for the five years' settlement contained a clause subjecting the land to

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sale for the recovery of arrears, it does not appear that the measure was anywhere resorted to for that purpose, although heavy balances occurred, which to a considerable extent, proved irrecoverable. The land-holders were therefore unprepared by any experience they could have had under the former Governments, whether native or British, for the rules which were, by the terms of the permanent settlement, introduced for the recovery of arrears of revenue from defaulters, and were perhaps not aware of the necessity, which the nature of the settlement imposed, for a rigid enforcement of them.

These rules in their original form as they stand in the code of 1793, rendered the zemindar liable to imprisonment, and his lands subject to attachment, if the whole or portion of any monthly instalment (in which the revenue was payable) should remain undischarged, on the first of the month following. At the close of the year, if the arrear was not by that time discharged, the whole, or a due proportion of the estate was to be exposed to sale by public auction, for the recovery of the balance due, together with interest at the rate of 12 per cent. per annum, which was to be charged upon it.

In the following year 1794, the Governor-General being, as it is stated in the preamble to Regulation III of that year, solicitous " to " refrain from every mode of coercion not absolutely necessary," an alteration was introduced, which exempted the land-holders altogether from imprisonment; but, in other respects, rendered the rules for the recovery of arrears of revenue, much more rigid and severe, by empowering the revenue officers to bring the land to sale at any time in the course of the year, on the failure in payment of any monthly instalment; instead of waiting for that purpose, until the close of the year.

It was probably foreseen that this regulation altogether, but more especially the modification as above introduced, though it spared the person, would put the property of the zemindar to considerable hazard. The proportion of the produce of a zemindary, fixed as the Government share at ten-elevenths of the rent paid by the tenantry, though it had not in all cases, been fixed with minute exactness, sufficiently shews that it must have been in most cases, a large proportion; and that the most attentive and active management was indispensably necessary, to enable a land-holder to discharge his

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instalments, with the punctuality required by the public regulations. In cases therefore, where any inequality unfavourable to the zemindar occurred, in fixing the amount of his assessment at the permanent settlement, the danger of his falling in arrear, must have been enhanced; and if once in arrear, and his estate placed under the management of a native agent, deputed by the Collector to hold it in attachment and collect the rents, the dismemberment of his estate, and sale of his lands, must for the most part, have been inevitable. When the characters of the natives in general, and in particular of the zemindars of high rank, as given by Lord Teignmouth, are adverted to, and when it is considered that the latter description of persons are not in the habit of personally transacting their own concerns, but of entrusting them to their servants, who were accustomed to seek for the means of extricating themselves from difficulties, in intrigues with superior authorities, more than in their own individual exertions; the events which have been stated in the sales of land, and in the ruin of a great portion of the land-holders, will appear to be no more than the necessary consequences of the regulations above-mentioned, operating in some cases, on persons who had not yet qualified themselves to act with safety under them, and in others, operating in a manner contrary to what was the object of their enactment. With respect to the latter position, the admission of the Government may be taken as authority, wherein in the correspondence above quoted, they acknowledge, that under the operations of the regulation for distraint of the crop, the tenantry had found it practicable to withhold the payment of their rents; the consequences of which could have been no less in all cases than the distress, and in many, it may be presumed the ruin of their landlords.

In addition to these disadvantages, which the zemindars laboured under, the slow progress may be noticed of suits through the Courts of judicature, to which they were referred for redress, against defaulters; though their own payments to the Government admitted of no delay, but might be promptly enforced by exposure of the land to sale by auction. The hardship which these circumstances imposed, in some instances, was strongly displayed in an address from one of the Collectors to the Board of Revenue, in behalf of the zemindar of Burdwan. The Collector observes, that he (the Rajah) begs leave to submit it to your consideration, whether

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or no it can be possible for him to discharge his engagements to Government, with that punctuality which the regulations require, "unless he be armed with powers, as prompt to enforce payment from his renters, as Government had been pleased to authorize the use of, in regard to its claims, on him; and he seems to think it must have proceeded from an oversight, rather than from any just and avowed principle, that there should have been established two modes of judicial process under the same Government; the one, summary and efficient, for the satisfaction of its own claims, the other, tardy and uncertain, in regard to the satisfaction of the claims due to its subjects; more especially in a case like the present, where ability to discharge the one demand, necessarily depends, on the other demand being previously realized."

Under the circumstances which have been explained, it may not appear extraordinary if the land-holders, in contemplating the new system, were more struck with the inconveniences they experienced, from its introduction and early progress, than they were, with any advantages which they could promise themselves from its ultimate operation. The following passage will in some measure elucidate this point. It is extracted from a report made to the Government by one of the Collectors, in answer to an enquiry as late as the year 1802, in regard to the operation of the regulations for collecting the revenue from the zemindars.

"All the zemindars, with whom I have ever had any communication, in this and in other districts, have but one sentiment, respecting the rules at present in force for the collection of the public revenue. They all say, that such a harsh and oppressive system was never before resorted to, in this country: that the custom of imprisoning land-holders for arrears of revenue, was in comparison, mild and indulgent to them; that though it was no doubt the intention of Government to confer an important benefit on them, by abolishing this custom, it has been found by melancholy experience, that the system of sales and attachments, which has been substituted for it, has, in course of a very few years, reduced most of the great zemindars in Bengal, to distress and beggary, and produced a greater change in the landed property of Bengal than has perhaps ever happened, in the same space of time, in any age or country, by the mere effect of

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internal regulations In another part of the same report, the Collector, after commenting on a regulation then recently introduced, observes, " Before this period 1799, complaints of the inefficacy of the regulations were very general among the zemindars, or the proprietors of large estates ; and it required little discernment to see that they had not the same powers, over their tenants which Government exercised, over them. It was notorious, that many of them had large arrears of rent due to them, which they were utterly unable to recover while Government were selling their lands for arrears of rent due to them, which they were utterly unable to recover ; while Government were selling their lands for arrears of assessment ". The Collector adds, " farmers and intermediate tenants were till lately, able to withhold their rents with impunity, and to set the authority of their landlords at defiance. Land-holders had no direct control over them ; they could not proceed against them, except through the Courts of Justice; and the ends of substantial justice were defeated, by delays and cost of suit."

The Committee conceive it has now been shown, that the great transfer of landed property, by public sale and the dispossession of zemindars, which were observed to take place in an extreme degree, during several years after the conclusion of the permanent settlement of the land-revenue, cannot be altogether ascribed to the profligacy, extravagance, and mismanagement of the land-holders ; but have to a certain extent followed, as the unavoidable consequences of defects in the public regulation, combined with inequalities in the assessment, and with difficulties, obstructions, and delays, with which the many nice distinctions and complex provisions of the new code of regulations were brought into operation, among the very numerous, but for the greater part, illiterate inhabitants of the Compnay's provinces, who were required to observe them.

The disadvantages to which the interests of the Government were subjected, during the period which has been alluded to, arose from the difficulty and uncertainty there was found, in duly apportioning the demand of revenue on the subdivisions of the estates, which for the recovery of arrears of revenue, it became necessary to expose, in parcels from time to time, to sale. The public faith was pledged, not to increase the amount of revenue assessed on the land ; and the great proportion which the revenue bore to the produce, rendered a correct

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adjustment indispensable, to prevent diminution in the established receipts; for the part of an estate sold might, if over-rated, prove unequal in produce, to defray its assessment; the consequence of which would be, a loss to the purchaser; terminating in another sale for the recovery of an unavoidable balance, and ultimately obliging the Government, either to assume possession of the estate, with its resources reduced below the scale of its assessment, or to render the proprietary right in it, worth possessing to a new purchaser, by diminishing its assessment of revenue.

By such a transaction, the portion of the original estate left with the zemindar, would be benefited, in the exact proportion in which the assessment had been unequally distributed and over-rated, on the part sold: and the Government would thereby be subjected to a permanent loss of revenue, in the manner above stated.

To prevent any such inequality, the rule for assessing the divisions of landed property into two or more lots, was clear and precise, in the following terms, as it stands in Regulation I, 1793: "The assessment upon each lot shall be fixed at an amount, which shall bear the same proportion to its actual produce, as the fixed assessment upon the whole of the lands of such proprietor, including those sold, may bear to the whole of their actual produce." The exact adjustment of the revenue on lots of estates exposed to sale, would have been by this rule extremely easy, had the data been procurable with sufficient exactness: but the actual produce of the whole, or of the part of an estate, could now be known only to the zemindar and his own servants. The means which the former Governments possessed, and might have exercised for this purpose, were relinquished, on the conclusion of the perpetual settlement. The directors had already prohibited the practice of minute local scrutinies; the canongoe's office was now abolished; and the putwarry or village accountant, declared to be no longer a public officer, but the servant of the zemindar. Under these circumstances, the real produce of the whole, or any part of an estate, could be known only to the proprietor; whose interest it was to represent, for the reasons above stated, the produce on the part distrained for sale, as great as possible; by which means, he might procure a diminution in the rate of assessment, on the part remaining. Deceptions of this nature would be unavailing, in cases where the whole estate was exposed to sale, in one lot; but, in the gradual dismemberment

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of some of the great zemindaries, they appear for a time, to have been successfully practised by the confidential servants of the Rajahs of Jessore, Nuddea, Burdwan, and other defaulters of that rank; sometimes, with a view to their own emolument, at others, to that of their employers; but in all cases, with an effect injurious to the revenue of the State.

The prevalence of these bad practices, and the imperfections in the regulations are recognized in the preamble of Regulation VII of 1799; which acknowledges, that the powers allowed the land-holders for enforcing payment of their rents, had in some cases, been found insufficient; and that the frequent and successive sales of land, within the current years, had been productive of ill consequences, as well towards the land proprietors and under-tenants, as in their effects on the public interest, in the fixed assessment of the land-revenue. It further notices the purchases which it was believed some of the zemindars had made of their own lands, in fictitious names, or in the names of their dependants; the object of which, was to procure, by the indirect means which have been described, a reduction of the rate of assessment. The regulation alluded to was enacted, with the view of removing these evils, and imperfections, by rendering the means allowed the land-holders, more brief and efficient than they before were, for realising their rents; and by postponing the sale of their land, for the realization of arrears of the public revenue, until the close of the current year. The power of the Collector over defaulting land-holders, is strengthened by the discretion allowed him to arrest, and for a limited time, to imprison their persons, without any reference to the judicial authority presiding over his district

These alterations, as far as they depart from the rules originally introduced, appear to be, in the same degree, a recurrence towards the system which was in former practice: but however that may be, they are acknowledged to have proved highly salutary; and if their operation may be judged of, from the improved state into which the affairs of the Revenue Department have subsequently been brought, their efficacy for the purposes proposed, must be fully acknowledged.

It appears, from the correspondence with India, subsequent to the introduction of the improvements in question, that the balance outstanding at the close of each succeeding year, down to the latest advices, has greatly diminished; and the ultimate balance, part of

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which are still recoverable, becomes less than one-half per cent. upon the whole amount of the public assessment. The exposure of land for sale, for the recovery of arrears, has of course been, in proportion, less frequent ; and it seems reasonable to infer, that the value of land has risen, in consequence of its coming less abundantly to market for sale. These are incontestible proofs of the regularity, with which the different parts of the revenue system are at length, become adjusted ; and of the ability of the country to produce the amount of revenue which was assessed upon it, under the permanent settlement.

Administration Of Civil Justice

In proceeding to describe the operation of the judicial system established in the East India Company's territorial possessions, your Committee could have wished to advert to the population of those provinces, with a view to indicate how far the means provided may appear adequate to the distribution of justice among the people, under the forms of practice prescribed by the code of regulation framed in 1793. But the enquiries of your committee do not enable them to state, with any precision, or with much confidence, the amount of the population, even of the old territories of the company, consisting of the provinces of Bengal, Bahar and Orissa with that of Benares, afterwards annexed to them. The Government of Bengal called for information on this head, from the Collectors and Judges stationed in the districts ; but the returns were so imperfect, and where they were made by those two descriptions of officers, so contradictory, that no general conclusion could be drawn from them. An actual enumeration of the inhabitants of those provinces, or a calculation founded on data, promising a high degree of certainty, is still a desideratum. Nothing more has yet been produced, than the estimates of ingenious men, who differ considerably among themselves. The first opinion promulgated after the Company's acquisition of the Dewanny, concerning the population of the three provinces, was, that it amounted to ten millions. Subsequent observation led to a persuasion, that this estimate was far too low. Sir William Jones, about five-and-twenty-years ago, thought that the population of Bengal, Bahar, Orissa, and Benares amounted to twenty-four millions : and Mr Colebrooke, about ten years ago, computed it to be thirty millions. If any opinions were

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now to be offered on a point which has not yet been subjected to strict investigation, perhaps there would be no danger of exceeding the truth, in adopting a medium between the two last calculations, and supposing the population of the four provinces to be not less, than twenty-seven millions.

It is not to be supposed that the suits arising in such a population as this, could have been enquired into and adjusted, in a formal manner by the Collector alone; who, as exercising the functions also of Judge and Magistrate, presided, and was the only agent in whom authority for that purpose, was vested, prior to the introduction of the new system. Suits of importance, or such as involved property to a considerable amount in the Civil Department, or such as materially affected the resources of the Government, or the rents of individuals in the Revenue Department, it is probable were investigated and reported by the Collector himself, in the mode prescribed by the regulations then existing: but by far the greater part of those petty claims, which must continually have arisen between individuals possessed of little property, and spread over so great an extent of country as the districts in question, it is reasonable to suppose, were either settled by the Collectors or his officers, in a summary manner, or obtained adjustment among the people themselves, by modes peculiar to their tribes or castes or by reference to their *gooroos*, or spiritual guides.

The principle on which Lord Cornwallis proceeded, to introduce a new and more perfect system of judicature, required, that means should be provided for a regular determination of suits, however small the amounts, without any impediment, from the distance the complainant would have to travel for redress; and that the file of the European Judge should not be encumbered with a greater number of suits of this description than he might be able to decide, without neglecting those of more magnitude.

With a view to these purposes, a selection was made from among the principal natives, of persons duly qualified; who were authorized, under Regulation XL of 1793, to receive and decide on plaints in the first instance, where the amounts in dispute did not exceed the value of 50 rupees; and to these authorities, the Judge was allowed to refer for decision, as many plaints that came before him, under 50 rupees, as he might think proper.

In order to afford the readiest access to the new Courts of justice,

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it was ordained, that the deposit fee on filing a suit, should be abolished ; and that in every case, an appeal might be obtained from the original decision, however small the amount sued for, to two distinct Courts of Appeal.

But the means thus taken to facilitate, if not to encourage litigation by affording law proceedings at little or no expense, were soon found to defeat their own purpose, by producing such an accumulation of causes on the Judges' file, as threatened to put a stop to the course of justice. In one district, the number on the file, was said to be thirty thousand ; and the probability of decisions to any suit, estimated to exceed the ordinary duration of human life. The settlement of revenue disputes being now removed from the Collector's office, and confined to the Courts of Justice ; this delay equally affected the revenue of Government, as it did, the interest of individuals, and rendered the application of an immediate remedy indispensable. The measures resorted to for this purpose, in the Revenue Department have already been stated. In the Judicial Department, an additional Court was established in the district alluded to ; but the most effectual relief from the inconvenience sustained, was the enactment of Regulation XXXVIII of 1795, which revived the deposit fee, or Commission paid on the institution of each suit, and in other respects, rendered the proceedings costly to the party cast, or non-suited. The imposition of this expense, was expected to repress litigation in future ; and with respect to the causes already instituted, they were, for the greater part, got rid of, by a requisition for the deposit fee to be paid on them, within a limited time. The suitors in general being, from local distance, uninformed of what was intended to be done, or from want of confidence in their cause, indifferent to it, or from poverty, unable to avert it, by the payment required ; no greater number of suits remained on the file, when the period for dismissing them arrived, than appeared to be manageable ; and the Judges commenced the exercise of their functions, so far disencumbered, as allowed them to entertain a better prospect than had yet been enjoyed, of their being able to fulfil the objects of their several appointments.

From 1795, when the above regulation was introduced, down to 1802, farther provisions were resorted to, with the same view of expediting the decision of causes, and of keeping down the number of them on the file. Thus, the registers to the provincial and city

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Courts were, in 1796, authorized to officiate occasionally in the absence of the Judge; in 1797, the Commission, or fee paid on the institution of suits, was considerably augmented, and extended to the proceedings of the head native Commissioners. A further limitation was assigned to Appeals; and in the same year, the expenses of process in the Sudder Dewanny Adawlut, in the provincial Courts of Appeal, and in the zillah and city Courts, was further considerably enhanced, by a regulation, which required that all law proceedings should be written on stamped paper provided for the occasion, and bearing an impost to the Government.

Notwithstanding these measures, which were adopted with the view, principally, of checking litigation, and affording those who had reasonable grounds for resorting to the Courts, an early decision of their suits; it appears, that in the year 1801, the number of causes undecided was again so great, as to attract the notice of the Court of Directors; who, in their letter dated the 23rd March of that year, expressed their desire to the Government of Bengal, that steps might be taken for reducing the number. The Committee have enquired into the number of causes actually depending, on the file, about this time, in the several Courts, and before the native Commissioners; and have given, in the Appendix, a particular statement of the same. By this statement it appears, that the number of causes depending on the 1st January 1802, before the five Courts of Appeal, was 882: before Judges of the 28 city and zillah Courts 12,262: before the registers of the last-mentioned Courts 17,906; and before the native Commissioners, 131,929. It appears further, that the number of causes, which had been decided in the course of the preceding period, was, in the five Courts of Appeal, 667; by the 28 Judges of the city and zillah Courts, 8,298; by their registers 14,124; and by the native Commissioners, 322,064. It is to be remarked, that these numbers include the causes which were referred to arbitration, and such as were withdrawn by mutual consent of the parties; which will considerably reduce the number of those causes which underwent investigation; and, perhaps account for the almost incredible number, which must otherwise be supposed to have been decided by the Judges and their registers. With respect to the suits decided by the native Commissioners, though these must have consisted of petty claims, the greatest of them not exceeding the value of fifty rupees, or

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less than seven pounds sterling, and determined probably in a summary manner; the number is, nevertheless, such as may excite surprise, and sufficiently evinces the magnitude and difficulty of the undertaking, which proposed to administer justice by formal process, and in petty cases, to so numerous and litigious a population.

Subsequent reports are not calculated to shew, that the difficulty of keeping down the number of causes, depending on the file, has at all diminished; or that the means, resorted to for that purpose, have been as successful as was expected. A letter from the Bengal Government, of the 30th September 1803, states, that although the aggregate number of suits depending throughout the provinces, on the 31st December 1802, was considerably less than the number depending on the 31st June preceding; yet "It had been found impracticable to reduce the number of depending causes, at some of the Courts, sufficiently for the purpose of ensuring to the parties a prompt decision on their claims; and that this accumulation of business had taken place, in the zillah Courts of Tirhoot, Dacca, Jellalpore, and Bahar; where it appeared, that the number of causes depending, exceeded the number which had been decided, or dismissed from the file, the course of the five preceding years." Under these circumstances, an early decision of suits was not to be expected in the Courts alluded to; and the Government resolved on instituting the office of Assistant Judge, in cases where the state of the file might render it necessary to resort to that measure: the appointment to cease, when the arrear of causes, should be sufficiently reduced. The Judges were at the same time empowered to refer causes of greater amount, to the decision of the native Commissioners, than had before been allowed; and additional provisions were made, for expediting the decision of causes of small value. These measures, the Governor-General expressed his confident expectation, would have a material tendency to expedite the decision of civil suits throughout the country, It is yet doubtful, how far this expectation has been fulfilled, or how far the Court of Directors have been relieved from the solicitude they appear to have felt on this subject; when in their remarks, addressed to the Bengal Government, on the 14th September 1803, having noticed the almost incredible number of suits undecided, they observe, that "to judge by analogy of the Courts in Europe, they would be induced to think so great

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an arrear would scarcely ever come to a hearing." Noticing in another letter of a recent date, the accumulation of suits under the Presidency of Fort St. George, the Directors have expressed the following sentiments, which in the opinion of the Committee are just, and applicable to both Presidencies; "We should be very sorry, that from the accumulation of such arrears, there should ever be room to raise question, whether it were better to leave the natives to their own arbitrary and precipitate tribunals, than to harass their feelings, and injure their property, by an endless procrastination of their suits, under the pretence of more deliberate justice." In justice, however, to the assiduity of the European civil servants, entrusted with the administration of the laws, it must be observed, that however great the number of causes in arrear may appear to be at any one period, to which the remark of the Court of Directors can be applied, the number of decisions passed in the course of the year preceding, will be found to have been proportionably great; so that a fair inference may thence be drawn, that the suitors had not, in general, a period of unexampled length to wait for a decision of their claims; and that, in comparison with what is commonly experienced in Europe, the advantage, in point of despatch, would probably be found to be in favour of the Courts of India. In the course of the year 1804, the number of decisions were as follows:—In the Court of Sudder Dewanny Adawlut 51 suits decreed and dismissed; in the five provincial Courts of Appeal 726 suits decreed and dismissed, and 29 withdrawn or adjusted between the parties themselves: by the 29 zillah and city judges 6,940 suits decreed and dismissed, and 725 adjusted between the parties: by the four Assistant Judges 879 suits decreed and dismissed, and 45 adjusted between the parties: by the 29 registers 6,433 suits decreed and dismissed, and 1,347 adjusted by the parties: by the *sudder aumeens*, or head native Commissioners, 6,387 decreed and dismissed, and 2,439 adjusted by the parties: by the other native Commissioners, 95,208 decreed and dismissed, and 155,971 adjusted by the parties. The total number of causes thus discharged from the file, by European agency, being 15,029; by native agency, 101,595.

Although the foregoing circumstances evince the solicitude with which the Bengal Government have endeavoured to afford the

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natives of those provinces, a ready decision of their suits, and to enable the Judges of the different Courts, to keep down the number of causes on the file, within moderate limits; yet it must be confessed, that these objects are by no means so nearly attained, as to render their further exertions unnecessary. With respect to suits of small amount, the native Commissioners to whom they are referable may be indefinitely increased in number, at no expense to the State; and a regulation has been enacted, with a view to this measure; but an augmentation of the number of European Judges, adequate to the purpose required, would be attended with an augmentation of charge, which the state of the finances is not calculated to bear; and the same objection occurs to the appointment of Assistant Judges. In the meantime, the evils arising from the delay of justice appear in a variety of shapes, according to the nature of the suits instituted, and the character of the people among whom they arise. To this cause, in Bahar, the Judge of Circuit ascribes numerous commitments for the breaches of the peace: His words are, "the commitments for breaches of the peace (arising from boundary disputes and other contests concerning landed property are ascribed to the great, though unavoidable arrear of untried causes pending in some of the Courts: since by necessarily protracting for years, the decision of suits, it frequently drove the suitors to despair;' and induced them to run the risk of taking justice into their own hands by seizing the object in dispute, rather than to await the tardy issue of a process, which threatened to exceed the probable duration of their own lives."

The Administration of Criminal Justice.

The Regulations of the Bengal Presidency have provided, that each Judge of the Criminal Courts shall, at the conclusion of his Circuit, besides the ordinary report of his proceedings, communicate, through the Sudder Dewanny Adawlut, such observations as may occur to him, on the operation of the public regulations, and on the general condition of the people in the provinces through which his Circuit lies.

It is obvious, that communications of this nature, from intelligent persons, must be of the greatest public utility, by apprizing the Government of any mistakes, which may have been committed in the

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enactment of the laws; and of any existing evils, which it might require the interference of the legislative authority to remove. It is hardly to be supposed, that, in describing the effects of the new system of internal administration, any of the public servants would lean to the unfavourable side; or, without sufficient foundation, transmit accounts which would prove disagreeable to the Government to receive. A communication of this nature, might be rather suspected of painting things in colours, pleasing to the Government, with the view of bringing the writer into favourable notice; but no motive can be assigned for a wanton provocation of resentment, in a quarter where it must always be the interest of a public servant, to stand on favourable ground, by misrepresentation, or by any statement of facts and opinions, which the writer does not believe to be accurate and well founded. The Committee are, therefore, induced to think, that the reports alluded to, are entitled to attentive consideration; more especially in instances, where defects are stated to exist, and evils are represented to prevail, in the administration of the Company's territorial possessions.

In addition to the periodical reports above-mentioned, the Committee have to notice the recourse they have had to very voluminous documents of the same nature, which describe the condition of the provinces, and the state of the administration of justice in the year 1802. These papers consist of answers to interrogatories, which were circulated among the Judges, Magistrates, and the Collectors of the several districts, by Lord Wellesley, on the occasion of a tour which his Lordship proposed making through the provinces under his immediate Government; and are described, by the Bengal Government, as "containing a valuable body of information, on the internal state and resources of the Company's provinces; the administration of civil and criminal justice; the protection to persons and property enjoyed by all descriptions of Company's subjects, under the existing laws; and the encouragement afforded by the present system, to the improvement of agriculture, and to the extension of commerce." The Government of Bengal, on transmitting these reports to the Court of Directors, requested, that the Court would refrain from founding any order on them, until they should be in possession of a digest of the information conveyed in them, which Sir George Barlow was about to furnish. It does not appear that any such

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digest, has yet been received, or that any order, founded on the reports in question, has been passed by the Court of Directors.

The Committee have made a selection of such reports abovementioned, as appear to them to be of the most importance. They were made by the Judges, in answer to the interrogatories circulated by Marquis Wellesley, or at the conclusion of their Circuits.

From an attentive consideration of these several documents, the Committee are enabled to submit the following observations to the notice of the House, on the administration of criminal justice, and on the state of the Police throughout the provinces under the Presidency of Bengal.

The Judges of the criminal Courts, attended by the native law-officers of their establishment proceed on their respective Circuit every six months. On their arrival at each judicial station, the calendar of offences is laid before them, containing a list of the prisoners, the crimes laid to their charge, and the names of the witnesses on both sides. These preliminaries having been observed, the trials commence, and are conducted on the principles, and in the mode, which have been detailed in a former part of this report.

The offences which are observed chiefly prevail in the upper provinces, including Benares and Bahar, are burglaries, effected by breaking through the walls of houses; murder, from various motives; robberies, attended with murder and manslaughter.

In Bengal, in addition to the foregoing crimes, must be noticed decoity, or gang robbery, attended often with murder; perjury and subornation of perjury, practised for the most atrocious purposes. These crimes are not unfrequent, in many parts of the country; but, the Bengal provinces appear to be more than any other characterized by them, as will more particularly be explained, under the head of Police.

The charges of these descriptions, which the Judge of Circuit has to investigate, and with the assistance of the law officers, to acquit or pass sentence upon, or to refer to the review and determination of the Nizamut Adawlut or superior criminal tribunal, are not in the upper provinces more numerous than are commonly despatched, in a few weeks; but in the Bengal provinces, the Judge seldom returns to his station before it is time for his successor, to commence his Circuit; and it has happened in the Dacca

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division, that the Circuit has, in its duration, considerably exceeded six months. During all this time excepting what may be required by the Judge in passing from one station to another, he is incessantly employed in the most arduous and important duties that can be confided to a public servant, that of conducting the trials of persons charged with capital crimes. The perplexities he meets with, and the intricacies he has to unravel, in the course of this service, are such as arise, partly out of the simplicity of character prevalent among certain classes of the inhabitants, and partly out of their peculiar habits of depravity; and may be judged of from the following extract, which is taken from one of the most able, intelligent, and interesting expositions that has appeared on this subject. It is the report of Mr. (now Sir Henry) Strachey, on his completion of the 2nd Sessions of 1802, for the several districts in the Calcutta Circuit. On this occasion, the number of persons tried, are stated to have been about 1,000, and the number convicted 446. A great portion of the charges, appears to have been decoity or gang robbery; to the trials for which crime, the following observations more particularly apply, than to any other.

"In the course of trials, the guilty very often, according to the best of my observation, escape conviction. Sometimes an atrocious robbery or murder is sworn to, and in all appearance clearly established, by the evidence on the part of the prosecution; but when we come to the defence, an *alibi* is set up, and though we are inclined to disbelieve it, if two or three witnesses swear consistently to such *alibi*, and elude every attempt to catch them in prevarication or contradiction, we are thrown into doubt, and the prisoners escape.

"Very frequently the witnesses on the part of the prosecution, swear to facts, in themselves utterly incredible, for the purpose of fully convicting the accused; when if they had simply stated what they saw and knew, their testimony would have been sufficient. They frequently, under an idea that the proof may be thought defective, by those who judge according to the regulations, and that the accused will escape, wreak their vengeance upon the witnesses who appear against them, and exaggerated the facts in such a manner, that their credit is utterly destroyed.

"Witnesses have generally, each a long story to tell; they are

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seldom few in number, and often differ widely in character, castes, habits and education. Thrice over, viz., to the darogah, the Magistrate, and the Court of Circuit, they relate tediously, and minutely, but not accurately, a variety of things done and said. Numerous variations and contradictions occur, and are regarded with cautious jealousy, though in reality they seldom furnish a reasonable presumption of falsehood.

"But who shall distinguish between mistake and imposture? What Judge can distinguish the exact truth, among the numerous inconsistencies of the natives he examines? How often do those inconsistencies proceed from causes, very different from those suspected by us? How often from simplicity, fear, embarrassment in the witness; how often, from our own ignorance and impatience.

"We cannot wonder that the natives are aware of our suspicions and incredulous tempers. They see how difficult it is to persuade us to believe, a true story; and accordingly endeavour to suit our taste, with a false one.

"I have no doubt, that previously to their examination as witnesses, they frequently compare notes together, and consult upon the best mode of making their story appear probable to the gentleman; whose wisdom it cannot be expected should be satisfied with an artless tale; whose sagacity is so apt to imagine snares of deception, in the most perfect candour and simplicity.

"We cannot but observe, that a story, long before it reaches us, often acquires the strongest features of artifice and fabrication. There is almost always something kept back, as unfit for us to hear; lest we should form an opinion, unfavourable to the veracity of the witness. It is most painful to reflect how very often witnesses are afraid to speak the truth, in our cutcherries.

"We cannot study the genius of the people, in its own sphere of action. We know little of their domestic life, their knowledge, conversation, amusements; their trades, castes, or any of those national and individual characteristics, which are essential to a complete knowledge of them. Every day affords us examples of something new and surprising; and we have no principle to guide us in the investigation of facts, except an extreme diffidence of our opinion; a consciousness of inability to judge of what is probable or improbable.

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" Sometimes we see the most unfair means taken by informers and thieftakers, to detect and apprehend the accused. We find confessions extorted and witnesses suborned; at the same time, we think the accused guilty; and the prosecution fails, merely because the unfair play used against them, leads us to suspect more.

" When we recollect the extreme uncertainty to us, of every fact which depends on the credit of the natives, to support it, who can wonder, that a very slight circumstance, should turn the scale in the prisoner's favour, and that, while we think innocence possible, we hesitate to condemn to death or transportation?

I do not speak of these things, with any view of proposing a remedy. If the mind is not convinced of guilt, an acquittal must follow; and we have nothing left to do, but to lament that a robbery, or a murder, took place, and that justice has failed to overtake the offenders.

" I have no new rules to propose, for the conduct of trials in the Criminal Courts, or for admitting or believing evidence. I am inclined to think, no new rules of evidence can serve any purpose; but to embarrass the Courts and create new obstacles to the conviction of the guilty.

" The evil I complain of is extensive, and, I fear, irreparable. The difficulty we experience, in discerning truth and falsehood, among the natives, may be ascribed, I think, chiefly to our want of connexion and intercourse with them; to the peculiarity of their manners and habits; their excessive ignorance of our characters; and our almost equal ignorance, of theirs."

A Report from the Circuit Judge of the Patna division, made about the same time, contains the following remarks:—" Few of the murders, and only one of the robberies charged, really occurred; the rest are merely fictitious crimes, brought forward to harass an opposing litigant, or revenge a quarrel. The Criminal Court is the weapon of revenge to which the natives of this province, resort on all occasions. Men of the first rank in society, feel no compunction, at mutually accusing each other of the most heinous offences, and supporting the prosecution with the most barefaced perjuries; nor does the detection of their falsehood create a blush."

The number of persons tried on the Circuit, at the conclusion of which the former of these reports was made, is stated to have

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been about 1,000, and the number of persons convicted and punished 446. The Circuit comprehended the districts of Midnapore, Jessore, Nuddea, Hooghley, Burdwan and the twenty-four pergunnahs. In the same year the Moorshedabad Circuit, comprehending the five judicial stations of Bhauglepore, Purneah, Dinagepore, Rungpore and Rajeshaye, presents 477 Criminal charges, and 1,274 persons tried. That Patna presents 78 charges and 203 persons tried. That of Dacca containing six districts, presents 173 charges, and 567 persons tried. So that in the six months to which these reports refer, the whole number of charges tried in the four Circuit divisions, comprehending the provinces of Bengal, Bahar, and Orissa, amounted to 1,728, and the persons tried to 2,490. The subsequent six months present the following numbers: On the Circuit of Calcutta, 335 charges, 1,182 persons tried: Moorshedabad, 446 charges, 1,096 persons tried: Patna, 146 charges, 387 persons tried: Dacca, 165 charges, 512 persons tried: in all, 1,092 charges, and 3,177 persons tried.—The number in the whole year 1,802 being 2,820 charges, and 5,667 persons tried.—In the five following years, the business of the Criminal Courts in some degree increased, the number of persons tried being in 1803, 5,866; in 1804, 5,610; in 1805, 6,196; in 1806, 5,798; and in 1807, 5, 713; the average of the five years being 5,831.

On a supposition of the business of the above year 1802, being equally divided between the Judges of the four Courts of Circuit, for any of the half-yearly goal deliveries, each Judge would, on the above average, have more than 700 persons to try, and he might despatch the business, at the rate of somewhat more than four trials per diem, if the whole six months were employed on the Circuit with little time allowed for travelling from station to station. But in the foregoing instance the Calcutta division presents the unequal numbers of 335 charges, and 1,182 prisoners, augmenting the business of the Judge in a degree, which on the average, must have required him to try more than seven persons in a day, one day with another, in order to get through his Circuit in the time allotted, before the commencement of the Circuit following.

It may serve to explain the practicability of a Judge getting through this share of business, to observe, that on certain trials, and more particularly in cases of decoity or gang robbery, the same

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evidence may serve to convict; or acquit all the persons, of whom there may be many concerned, in the same offence; and that the fate of more than one person is thus determined by the same process and at the same time. But even on this ground, though the remark be applied in every case, and the business be thereby considerably reduced, enough will remain in addition to what has besides been remarked to evince the unremitting attention that is required in a Judge of Circuit for the performance of the duties of his office, and the acquirements which an European civil servant must possess, to qualify him for the same.

The uncertainty of the evidence arising from the depravity of the people, among whom perjury is reckoned a light offence, and attended with less obloquy than the most trifling violations of caste, renders the duty of the Judges on criminal trials, particularly arduous. The selections for this important office are probably made from among the most able and experienced of the civil servants, who have served long enough to be acquainted with the language and habits of the people. Of the integrity of the persons thus employed, there can be no reason to entertain any doubt: and when it is recollected that they have the assistance of natives learned in the laws, and experienced in the manners of the people, who attend them officially on the Circuit, it may perhaps be fair to assume, that the Criminal laws are as well administered, as could have been expected when the new system of Government was introduced.

With respect to the delay experienced, in bringing persons charged with crimes to trial, although it is probably not so great as when formerly it was the subject of objection to the then existing system, it appears still to occur in a degree productive of evil, and which it should be an object with the Government, to remove.

The goal delivery is made once in six months; and though this may appear sufficiently frequent in a well regulated community, as in Great Britain, the commitment of offenders for the purpose of investigating the charges against them, at a future period, is productive of inconvenience to the natives, and of expense to the Government in India, from the necessity it imposes of summoning the witnesses, and maintaining them, while in attendance a second time. But the greatest objection noticed by some of the Judges of Circuit

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to this delay, is the advantage it gives for conspiracy, either to involve the innocent, or to shelter the guilty, by artifices, in the practice of which, some of the depraved classes of the natives, more especially in the districts round Calcutta, have acquired a proficiency, that threatens to turn the administration of justice into a scourge to the rest of the inhabitants.

But the Committee have to notice the delay in the administration of criminal justice in some of the districts, arising from another cause, which is of more pernicious tendency than that experienced by those committed for trial; inasmuch as it affects those against whom no evidence has yet been taken, and may therefore involve, the innocent as well as the guilty. The delay here alluded to, is that which frequently occurs at the office of the Magistrate, where, from press of business or other causes, months are represented to elapse, before the person apprehended can be brought to a hearing; during which time, he is lodged in a crowded prison, where, not unfrequently, death overtakes the prisoner before the cause of his apprehension can be enquired into. The stations to which these observations particularly apply, are Dacca, Burdwan, Jessore, Hooghly, Nuddea, the twenty-four Pergunnahs, or Calcutta; and the evil seems to arise, from the European civil servant presiding at those stations, having more business on his hands, than it is possible for one person to transact. If as Judge, he is impressed with the necessity of making an exertion for the reduction of the civil suits on his file, the business of the Magistrate's office, is in danger of falling in arrear; and if he employs himself sufficiently in the latter, to prevent the detention of witnesses on criminal charges continually coming before him, and to commit or discharge the persons accused, the file of civil causes must of course increase. Expedients have been resorted to, for the purpose of relieving the Judge, by enlarging the limits of causes referable from him, to his register, and to the native Commissioners, and by limiting the term for appeal to his decision. Something however is yet wanting, to complete that system of speedy justice, both civil and criminal, which Lord Cornwallis was so desirous of introducing; but which has not yet attained to that degree of excellence, of which it may still be hoped it is susceptible.

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The Police.

The establishment of an efficient Police, though an object of the first importance, appears to be a part of the new internal arrangements, in which the endeavours of the Supreme Government have been the least successful. The difficulty of the undertaking, proceeds partly from the nature of the country, intersected by rivers, and abounding in woods and wastes, which afford a ready means of escape to robbers; but more perhaps, from the depravity of certain classes of the natives, who do not wait till driven by want to commit outrages, but follow robbery as a profession, descending from father to son. These are the decoits, or gang-robbers, who, though occasionally appearing in most parts of the country, are stated to infest in a peculiar degree, the lower or Bengal provinces.

The Committee of Circuit, as long ago as the year 1772, described the decoits of Bengal to be, "not like robbers in England, individuals driven to such courses by sudden want; they are robbers by profession, and even by birth; they are formed into regular communities, and their families subsist by the spoils which they bring home to them." This description of the decoits was given, to account for some measures of unusual severity, which it was at that time proposed to resort to, for the purpose of suppressing the offence in question, but which, if ever put in force, do not appear to have proved effectual; on the contrary, the depredations committed by decoits on the property, and the cruelties practised by them on the persons of the inhabitants, have been the subjects of much complaint down to the present time, and appears of late years, to have increased in those provinces to a considerable extent. One of the causes to which this may be ascribed, is the difficulty which has been experienced in obtaining the specific evidence which the practice of the Courts of Circuit requires to convict the offenders, and to the facility with which they in consequence escape punishment and recommence their depredations. On this point, the Committee are induced to quote the following passage from a report made to the Government by the Magistrate of Dacca, Jellalpore, in 1802:—"Decoits glory in the dread their names inspire; they therefore take no pains to conceal their names; they become from these reasons, publicly notorious; their names and characters are

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familiar to all the inhabitants, even to those who have never seen them. Witnesses against men of this description, risk their lives, if they speak to any specific charge ; if they only describe them as notorious, in general terms, notice is not taken of it; because mere public notoriety, without a specific charge, is not deemed legally sufficient to convict them ; and, in the opinion of the prisoner, it is rather an addition to his reputation. Those who volunteer to apprehend them, equally risk their lives. Professional goyendas (or informers) are not, in the same predicament; their spies watch the motions of the decoits, and they avail themselves of this information to raise contributions, by making arrangements with the sirdars (or leaders) as the price of their silence. The difficulty of convicting these sirdars, is in proportion to their notoriety ; the greater their reputation for robbery and murder, the more difficult it is to get witnesses to come forward against them. There are in my jail, many sirdars of this description, whose release from confinement would be dangerous to the society at large, and certain death to those who had any share in apprehending them. If public notoriety (such as I describe) was deemed sufficient to subject them to transportation for life, I think it would be of the utmost benefit to the community, as the object of their ambition (an extended notorious name) would, with propriety, be made the cause of their punishment ; I think it would contribute much to check the evil."

No Magistrate who is attentive to his duty, can be long without knowing the characters of notorious sirdars. In the very course of business, he must become familiar with their names ; and although he has it not in his power to substantiate legal and specific charges against them, for the reasons above assigned, he feels it his duty to apprehend them ; but is unable to convict them, for want of that direct proof which the atrocity of the prisoner's character prevents his obtaining."

But although the necessity of specific proof against these hardened offenders, may have been one of the occasions of the outrages which they perpetrate in the exercise of their depredations ; there are others, which are equally deserving of notice.

A comparison of the abundant means afforded by the former establishments, with the scanty provision made by the present system,

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for suppressing gang robbery, may farther account for its recent prevalence in the Bengal districts.

Besides the usual establishments of guards and village watchmen, maintained for the express purpose of Police, the zemindar had, under the former system, the aid of his zemindary servants, who were at all times, liable to be called forth for the preservation of the public peace, and the apprehension of the disturbers of it. The officers employed in the collection of the sayer or impost duties, before the abolition of them, and stationed at the *gunges*, or commercial depôts of grain, in the *bazars* or markets, and at the *hauts* or fairs, possessed authority and officiated for the preservation of peace, and the protection of the inhabitants and frequenters of those places. To convey an idea of the means possessed by a principal land-holder for the purposes above mentioned, it may be sufficient to notice the case of the zemindar of Burdwan: This zemindary, on a rough estimate, may be taken at 73 miles long, and 45 broad comprehending about 3,280 square miles; nearly the whole of which was in the highest state of cultivation, and well stocked with inhabitants. His Police establishment, as described in a letter from the Magistrate of the 12th October 1788, consisted of *tannahdars* acting as Chiefs of Police divisions, and guardians of the peace; under whose orders were stationed in the different villages, for the protection of the inhabitants, and to convey information to the tannahdars, about 2,400 *pykes* or armed constables. But exclusive of these guards, who were for the express purpose of Police, the principal dependance for the protection of the people probably rested on the zemindary pykes; for these, are stated by the Magistrate to have been in number no less than nineteen thousand, who were at all times, liable to be called out in aid of the Police.

The whole of this last-mentioned numerous class of pykes, are understood to have been disbanded, in compliance with the new Police regulations; and their lands, allowed them in lieu of pay, resumed. The amount of revenue brought to the account of Government on this head, being trifling for their extent, it is probable that the greatest part of the number of pykes retain them, under connivance from the zemindar; but however this may be the services of the pykes are lost to the Police, while such of those persons as were really disbanded, are supposed to have had recourse to thieving for

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a livelihood. With respect to the *darogahs*, or head Police officers, who have taken place of the tannahdars under the new system, it is observed of them, that they are not less corrupt than the tannahdars their predecessors, and that themselves and the inferior officers acting under them, with as much inclination to do evil, have less ability to do good, than the zemindary servants employed before them. The darogah placed in a division of the country comprehending four hundred square miles, is with fifteen or twenty armed men, found to be incompetent to the protection of the inhabitants. The village watchmen, and such as remain undismissed of the zemindary servants, are by the public regulations, required to co-operate with the darogah; but a provision of this nature, without the means of prompt enforcement, has not been attended with the desired effect; the influence of the zemindar as it existed in former times, being wanting to bring forth these aids into active exertion; while the darogahs who are represented as insulated individuals, are in their respective divisions, viewed with fear by some, with jealousy by others, and neglected by most of the inhabitants, possess not that personal consideration in the public mind, so necessary to aid them, in the efficient performance of their duty.

If the foregoing comparison be just, it must appear that the former establishments, were more ample and better constituted for the purposes of Police, than those which have since been introduced had their services been actively put forth and properly directed; but the enquiries made by Lord Cornwallis, induced him to believe, that the zemindars had misapplied the authority confided to them, as officers of Police; and that the union of the functions of revenue and Police in the same person, was a radical error, from which the evils prevailing in the latter department, had in a great measure sprung. His lordship accordingly proceeded in the manner detailed in a former part of this report, to change the system which existed, and to introduce a Police entrusted under the European Magistrates, to native officers, named darogahs, selected for the purpose, and maintained on fixed salaries. The defectiveness of this system of Police, is explicitly acknowledged in the preamble to Regulation XII, of the year 1807, which states "that the Police establishments maintained by Government in several districts of Bengal, Bahar and

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Orissa, had been found insufficient for the purposes of their appointment." Amendments had before this period, been made to the Police rules ; and additional means devised for the suppression of crimes, by rendering the punishment of them more exemplary and severe. Public outrages nevertheless increased, more especially in the Bengal provinces : and the Government at length, deemed it expedient to introduce the above regulation ; for the purpose of granting to the zemindars, Tashildars, farmers of land, and any other principal inhabitants who might be deemed qualified for the trust, authority to act as *aumeens* or Commissioners of Police.

The Aumeens of Police are, under this regulation, appointed by a sunnud, or Commission from the Magistrate, with the approbation of the Governor-General in Council. Their authority is concurrent with that of the Police darogah, for the suppression of crimes, and the apprehension of public offenders ; and for these purposes, the rules for the conduct of both are the same ; but the Aumeens are restricted from taking any cognizance of those petty offences and disputes, which the latter is allowed to enquire into and adjust. The Aumeen is required to deliver over his prisoners to the darogah of the district or division in which he resides ; instead of sending them, as the darogah does, direct to the Magistrate.

Thus it appears the Government have found it necessary to recur to the practice, which, in 1792, was so much disapproved ; namely, of combining, in any case, the functions of revenue and Police ; and have again called forth the exercise of those powers, which the land-holders, native Collectors of the revenue, and other respectable inhabitants possess, for the protection of the people, and the apprehension of public offenders.

Of the propriety of this principle no doubt can be entertained ; the most intelligent reports of the judicial servants, for some years previously, having represented the agency of the land-holders, as essential to a salutary improvement in the Police, though there is reason to regret, that the situation of things has so much changed since the zemindars were deprived of the authority thus restored to them, as to have afforded less promise of success from the measure, than might have been otherwise expected. The dismemberment of the principal zemindaries, by the sale of land, to realize arrears of revenue, and the separation of talook, or small estates (noticed in a

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former part of this report) have reduced the efficient influence of the land-holders, who, for the greater part, approach nearer now, than they did formerly, to the condition of mere cultivators. The dismission of the zemindary pykes, and of the establishment formerly maintained for the collection of the sayer duties, have contributed to the same end. It may therefore appear doubtful, whether it would now be practicable in Bengal, to restore the efficiency of the old system of Police, were it even in the view of the Government, to attempt it; or whether, if restored, it would answer any useful purpose, clogged with the numerous and complicated rules and restrictions under which the zemindar would now be required to officiate. It indeed appears, that the regulation already referred to, as enacted in the year 1807, has since been rescinded, as far as it related to the appointment of Aumeens of Police, by Regulation VI of 1810. That the state of the Police, in the lower provinces, in regard to decoity, had not experienced any amendment, under the operation of the first-mentioned regulation; apppears from the following passage of a letter, addressed by the Governor-General to the Court of Directors, of a date so recent as the 29th May 1810, describing the state of the Police, as it was in the Bengal districts, a little before that period. "The evidence lately adduced, exclusive of a multiplicity of other proofs, establishes, beyond a question, the Commission of robberies, murder, and the most atrocious, deliberate cruelties: in a word, an aggregate of the most atrocious crimes; nor let it be supposed, that these offences were of rare occurrence, or confined to particular districts; they were committed with few exceptions, and with slight modifications of atrocity, in every part of Bengal."

The letter from which this extract is taken, was written to justify certain measures, which it had been judged necessary to resort to, for the purpose of restraining and preventing these evils, and which had been arraigned by Mr. Ernest, one of the Magistrates, as objectionable, and as being calculated to introduce greater mischiefs among the people, than the evil which it was to remove. The despatches which have more recently been received relative to this discussion, appear of considerable interest; not so much on account of the subject to which they specially relate, which had been set at rest by the submission of the Magistrate afterwards made

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Judge of Circuit, who, having apologized for the warmth or disrespect of his expressions, was restored to his office, as from the information which they afford respecting the actual state of the Police in the provinces under the Presidency of Bengal.

The information to which the Committee more particularly allude, is contained in a Report on the state of the Police, with suggestions for its improvement, by the Secretary to the Government in the Judicial Department, entered on the Consultations of Government of the 29th September 1809. This document is particularly intended for the consideration of the authorities in this country: the writer observes, that were this report "intended solely for the consideration of the local Government in India, it would be superfluous to enter into details regarding the inefficiency of the Police, as unhappily, occasions have too frequently arisen, to arrest their attention on this important subject; but as the arrangements suggested, may possibly attract the attention of the Honourable the Court of Directors to whom these evils may not be so familiar, a brief exposition of them must be deemed a necessary introduction to any plan which may be suggested for the general improvement of the Police."

In this report, are detailed the cruelties suffered by the inhabitants in the districts for the most part round the seat of Government, from decoits or gang-robbers, and the total inefficiency of the Police, as it then stood, to suppress or restrain them; and it is endeavoured to justify the measures recently introduced, and to propose others, with the view of removing the evils complained of. In illustration of the cruelties commonly practised by the robbers, the evidence on some late trials is given, and the general prevalence of those cruelties, is proved by a reference to the reports of the Circuit Judges, transmitted from different parts of the country. It is observed moreover, that though the evils in question "were in some instances to be ascribed to the supineness of the Local Magistrates, they were much more generally imputable, to the defects of the existing system."

The Committee cannot forbear expressing their surprise, at the statement made in Mr. Secretary Dowdeswell's report, that the Government were not enabled to discover in a shorter period than that alluded to, what is now unequivocally acknowledged on their proceedings, namely, "that the existing system of Police had entirely

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failed in its object." Though the letters from the Bengal Government to the Directors, down to April 1806, represent the commission of crimes, particularly perjury, to be increasing rather than the contrary, there is nothing said to excite any particular apprehension for the security of person and property enjoyed by the natives under the British Government, or to create any doubt in regard to the new system of Police, having secured to the natives the benefits which were intended for them, by its introduction.

It is therefore, with the greater concern that the Committee find, in the recent despatch, so strong a manifestation of the great inadequacy which has been experienced of the establishments introduced in 1793, for the protection of the people from public robbers, and the ascendancy acquired by decoits in the provinces surrounding the seat of Government.

It is stated in the report in question, that "the principal cause why the measures hitherto adopted for the protection of the people against robbery by open violence, have been ineffectual, is, the very defective information which Government, and the principal authorities under Government, possessed respecting the actual state of the Police."—"The defect here noticed (says the writer of the report) may arise, either from the very imperfect information which the local Magistrates themselves possess, respecting the state of the Police, or from an ill judged, but not an unnatural solicitude, to represent the districts in the most favourable state possible." Your Committee must here express their opinion of the dangerous tendency of indulgence in the disposition alluded to, of representing districts or things to be in a more favourable state, than they really are; as this may lead, first, to a postponement of the communication of unpleasant circumstances; next, to the suppression of information; and, finally, to the misrepresentation of facts. In the present instance, the Committee have adverted to the information actually before the Government and the Nizamut Adawlut, for some years prior to the date of the report above quoted; and it appears to them that the reports of the Circuit Judges, made through the Nizamut Adawlut to the Government, at the conclusion of each session, evinced the prevalence of gang robbery, not only in a degree sufficient to attract the notice of the Government, but to call forth its endeavours to suppress it.

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Its endeavours, from 1801 down to the period in question, for the improvement of the Police, and for the suppression of gang robbery, appear in the new regulations, and in modifications of those already in force. The general object of these enactments, was to render the criminal law more severe, and the officers of Police more vigilant; and, as has been also before stated, to call in the aid of the landholders and other principal inhabitants, for the protection of the people against decoits, and other depredators. But notwithstanding these measures, the disorders which they were intended to subdue still increased; and towards the end of 1807, had acquired such a degree of strength, as to oblige the Government to resort to measures, much more forcible than had hitherto been tried, for the deliverance of the country from this growing and intolerable evil.

It does not therefore appear to have been, from any want of information in regard to the imperfect state of the Police, that the Government was unable to prevent its becoming worse; but rather, as your Committee should suppose, from the difficulties which presented themselves to the application of an efficacious remedy.

The measures above referred to, are those which appear to have been commenced in 1808, with regulation the tenth of that year "for the appointment of a Superintendent of Police, and for defining his jurisdiction and authority." The preamble of the regulation states, that "by concentrating information obtainable from different parts of the country in a particular office at the presidency, a successful plan of operations might be devised and executed when the efforts of the Local Police Officers would be unavailing;" and that measures conducive to the discovery and seizure of the gangs of decoits, which still continued to infest many of the districts in the Province of Bengal, might especially be promoted, by the appointment of a Superintendent of Police." A power was accordingly vested in this officer, to act in concert with the zillah and city Magistrates, or independently of them, for the detection and apprehension of persons charged with, or suspected of decoity and other offences. His warrant or other process was, as he might determine, to be executed, either by his own officers, or through those of the local authorities. The Government, moreover upon the present occasion, deeming the urgency of the case to justify the measure, resolved to countenance the regular organisa-

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tion and official employment of public informers, for the purpose of discovering the haunts, and pointing out the persons of the most notorious of the decoits, or of any of their associates. The circumstances which led to this step, was the successful co-operation which had been afforded by one of the Calcutta Magistrates, acting as Joint Magistrate with the Magistrate of Nuddea, in freeing or endeavouring to free, that district from decoits. Mr. Blacquiere, who had resided in Bengal from his earliest years, possessed a perfect knowledge of the language and the manners of the natives, had recommended himself so far to the Government by this service, that although he was not a covenanted servant of the Company, it was determined to vest him with the powers of the Magistrate in such other districts, as, like Nuddea, had been overrun with decoits. The mode in which Mr. Blacquiere proceeded was, by the employment of *goyendas*, or spies and informers; some of whom, having themselves been principal robbers, it was understood would be particularly expert in detecting others who were still acting in that capacity. To these were added the services of *girdawars* or Overseers, or Superintendents. The spies were to point out the robbers, and the Overseers were to apprehend them.

As the employment of these Agents, in the manner thus sanctioned, has given rise to much discussion between the Government and some of the judicial officers, on the merit and success of this expedient, the Committee think it may be proper to state the information on these points, which the latest advices from the Bengal Presidency afford. The following account of the origin and employment of goyendas is taken from a Minute, recorded on the 24th Nov. 1810, by one of the members of the Government, who was an advocate for the measure, and desirous of shewing that the employment of goyendas was not new in the Police of Bengal:

"——Under no arrangement hitherto tried, has the efficiency of the Police, been independent of the agency of informers and spies. Pecuniary rewards for detecting and bringing to justice decoits and other offenders, were offered as early as 1772, when the serious attention of the Government was first drawn to the alarming prevalence of the horrid offence of decoity. But without going further back than the period when the regulations of the Government began to assume generally the form, which they have since retained, the

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offer of a specific reward of ten rupees for every decoit, payable on the conviction of the offender, was authorized in 1792, and continued to be payable in the same mode, until recently modified in pursuance of the arrangements, which we resolved to adopt two years ago, for the reform of the Police."

"Under the encouragement of head money offered by the Regulations of 1792 above quoted, the profession of a goyenda first took its rise, and speedily spread itself over the country. The subsequent introduction of Police tannahs had no tendency to check the employment, or control their proceedings. Every tannah soon had its set of goyendas plying for occupation, with the avowed countenance and support of the darogah, who shared with them the head money for decoits, convicted on evidence marshalled by them; and the specious offers of professed goyendas occasionally induced incautious Magistrates to entrust them with general warrants and indefinite Commissions, for the apprehension of criminals, in places particularly infested by robbers, or sometimes, in consequence of the preparation of a peculiarly heinous decoity.—That abuses have been practised by *goyendas* or informers, but still more by *girdwars*, or those entrusted with power to apprehend, is unquestionable. Seeking a livelihood by the profession in which they had engaged, but not always able to procure it, by the slow means of the detection of crimes and proof of guilt, they have no doubt resorted but too often to various modes of extortion; sometimes, from persons of suspected character, and at other times, from the honest part of the community, under threats of accusation; and have occasionally proceeded to prefer groundless "charges, and even to support them by false evidence; and instances have actually occurred, where there has been too much reason to believe, that the goyenda himself devised the robbery, of which he convicted the unhappy wretches reduced by his arts, to a participation in the crime."

There can be little doubt of the existence of spies, wherever the laws hold out rewards to informers; and the increase of this class of people in Bengal, is satisfactorily traced to the pecuniary reward offered for every decoit, who might be convicted on information brought before the Magistrate. The bad practices used by goyendas, your Committee find noticed strongly in the answer to the interrogatories circulated in 1801; but the abolition or rather the

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modification of the head money, for decoits, was not effected until 1810. There must consequently have been a wide field for the goyendas to move in, from their first appearance (according to the foregoing Minute) in 1792, until the period referred to in 1810, where the modification of the reward, or head money, considerably narrowed the ground on which they had been accustomed to practise their atrocities.

The proceedings of the Courts of justice, and the reports of the Judges of Circuits furnish a strong confirmation of what has been stated with respect to the unprincipled practices of that description of people, and of the evils resulting from a combination between them and the darogahs or head Police officers, for the purpose, as stated in the foregoing Minute, "of sharing with them the head money for decoits.'

The employment of persons of the above description, as instruments of Police, might appear to require exaplanation, more especially as it has been objected to, by some of the most experienced servants in the Judicial Department. In the correspondence last received from Bengal, the reasons are adduced, which dictated the expediency of employing those persons under the Police; and they are as follow; 1st, The necessity which arose for the adoption of some strong measure, to check or suppress the outrages committed by decoits, which had long been prevalent; and on a sudden, had acquired a most alarming height in those districts particularly, which were most adjacent to the seat of Government. 2nd, The good state of the Police within the limits of the town of Calcutta, where goyendas had been employed by the Magistrates, and particularly under the direction of Mr. Blacquiere. 3rd, The benefit experienced in the district of Nuddea, from the employment of Mr. Blacquiere with goynedas, for the discovery and seizure of decoits', which suggested the employment for the same means, more extensively. 4th, The rules under which goyendas were directed to be employed, which prohibited their receiving general warrant, and restricted them to the employment of pointing out persons accused of crimes, to the girdwars, or officers, who attended to apprehend them.

The institution of the new office of Superintendent of Police, and the extension of Mr. Blacquiere's functions, with authority to employ

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goyendas, is represented to have been attended with early success, in the discovery and apprehension of many gangs of decoits, and the seizure of some of their most notorious sirdars, or leaders: one of them at the distance of 500 miles from the part of the country from which he fled, to avoid detection. But the satisfaction which this must have afforded the Government, underwent probably some abatement, on the discovery which was made, that some of the goyendas thus employed, had, in concert with the girdwars, actually been commiting depredations on the peaceable inhabitants, of the same nature as those practised by the decoits, whom they were employed to suppress. These persons were convicted before the Court of Circuit; and suffered the punishment due to their crimes. The Government admit, that there were probably more of these enormities committed by these instruments of Police, than had come to light; but they nevertheless deemed it expedient, that the smaller evil should be endured, rather than the agency of goyendas, in freeing the country of decoits, should be relinquished.

The Court of Directors, it may be presumed, will be anxious to learn the issue of these measures, under the great solicitude they must feel, for their proving ultimately successful in the object of their introduction. What has appeared in the latest intelligence on this subject, affords assurance, that after about two years' experience of the efficacy of the new measures, decoity or gang robbery, had met with a check; and had been reported by some of the Circuit Judges, to have happened less frequently in most, and to have ceased in some, of the Bengal districts, where antecedently it had prevailed, in the greatest degree. It is earnestly to be hoped, that these assurances may be confirmed by experience.

Concluding Remarks.

Although the view given, in the foregoing part of this report may show, that certain imperfections are still found in the system of internal Government in the Bengal provinces; yet it can, in the opinion of your Committee, admit of no question, whether the dominion exercised by the East India Company has, on the whole, been beneficial to the natives. If such a question were proposed, your Committee must decidedly answer it, in the affirmative. The strength of the Government of British India directed as it has been, has had

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the effect of securing its subjects, as well from foreign depredation, as from internal commotion. This is an advantage rarely experienced by the subjects of Asiatic states; and, combined with a domestic administration more just in its principles, and exercised with far greater integrity and ability, than the native one that preceded it, may sufficiently account for the improvements that have taken place; and which, in the Bengal provinces, where peace has been enjoyed for a period of time, perhaps hardly paralleled in Oriental history, have manifested themselves in the ameliorated condition of the great mass of the population; although certain classes may have been depressed, by the indispensable policy of a foreign Government. The nature and circumstances of our situation, prescribe narrow limits to the prospects of the natives, in the political and military branches of the public service: strictly speaking, however, they were foreigners who generally enjoyed the great offices in those departments, even under the Mogul Government;—but to agriculture and commerce every encouragement is afforded, under a system of laws, the prominent object of which is, to protect the weak from oppression, and to secure to every individual the fruits of his industry.

The country, as may be expected, has, under these circumstances, exhibited in every part of it, improvement on a general view, advancing with accelerated progress in latter times.

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